



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

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सं० १९] नई दिल्ली, शनिवार, मई ११, १९६८/वैशाख २१, १८९०
 No. १९] NEW DELHI, SATURDAY, MAY 11, 1968/VAISAKHA 21, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र २६ अप्रैल, १९६८ तक प्रकाशित किये गये:—

The undermentioned Gazettes of India Extraordinary were published up to the 26th April, 1968 :—

Issue No.	No. and Date	Issued by	Subject
135	S.O. 1434, dated the 19th April, 1968.	Ministry of Law.	Order made by the President for general information.
136	S.O. 1435, dated the 19th April 1968.	Ministry of Labour, Employment and Rehabilitation.	Further amendments made by the Central Government in the Madras unregistered Dock Workers (Regulation of Employment) Scheme, 1957.
137	S.O. 1511, dated the 23rd April 1968.	Ministry of Home Affairs.	Extension of the period of Commission of Inquiry under Notification No. S.O. 3960, dated 1st November, 1967.
138	S.O. 1512, dated the 23rd April, 1968.	Ministry of information & Broadcasting.	Approval of the Films as specified therein.
139	S.O. 1513, dated the 23rd April, 1968.	Ministry of Finance	Order made by the President for general information.
140	S.O. 1514, dated the 24th April, 1968.	Ministry of Commerce.	Appointment of a panel of exports for the purpose of hearing appeals.

Issue No.	No. and Date	Issued by	Subject
	S.O. 1515, dated April, 1968.	Ministry of Commerce.	Appointment of a panel of experts for the purpose of hearing appeals.
	S.O. 1516, dated April, 1968.	Do.	Appointment of a panel of experts for the purpose of hearing appeals.
141	S.O. 1617, dated April, 1968.	Ministry of Industrial Development and Company Affairs.	Extending the period of management of Messrs. Jeseop & Co. Limited, Calcutta for one year from 15th May, 1968.
142	S.O. 1518, dated April, 1968.	Ministry of Commerce.	Amendments in the notification No. S.O. 2425, dated 2nd August, 1965.
143	S.O. 1519, dated April, 1968.	Ministry of Law.	The Registration of Electors, (Second Amendment) Rules 1968.
144	S.O. 1520, dated April, 1968.	Do.	The Conduct of Elections (Second Amendment) Rules, 1968.
145	S.O. 1521, dated April, 1968.	Ministry of Commerce.	Amendment in the notification No. S.O. 1688, dated 3rd June, 1966.
146	S.O. 1522, dated April, 1968.	Ministry of Labour, Employment and Rehabilitation.	Referring the dispute between the management of Messrs. Indian Copper Corporation Limited, Mosaboni Mines, Post Office Ghatsila (Bihar) and their workmen for adjudication to the Industrial Tribunal, Dhanbad.

ऊपर लिखे प्रसाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 29th April 1968

S.O. 1619.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948, the Central Government hereby authorises Shri Bhupinder Singh, Assistant in the Consulate General of India, Muscat,

to perform the duties of a Consular Agent with effect from the 23rd March, 1968, until further orders.

[No. T.4330/1/68.]

(Sd.) Illegible, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 25th April 1968

S.O. 1620.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 143 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

1. These Rules may be called the General Provident Fund (Central Services) Third Amendment Rules, 1968.

2. In the General Provident Fund (Central Services) Rules, 1960, in clause (a) of sub-rule (1) of rule 2, after the words "as the case may be," the words "or any other officer who may be declared as such by the Government of India in consultation with the Comptroller and Auditor General of India," shall be inserted.

[No. F. 37-(2)/EV/68.]

P. N. MALHOTRA, Under Secy.

(Department of Expenditure)

New Delhi, the 2nd May 1968

S.O. 1621.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1958, namely:—

1. These rules may be called the Delegation of Financial Powers (Amendment) Rules, 1968.

2. In the Delegation of Financial Powers Rules, 1958, in Schedule I,

(i) under the heading "J. Ministry of Finance (Department of Revenue)", after item 17 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from 17th February, 1968, namely:—

"18. Director, Emergency Risks Insurance Scheme."

(ii) under the heading "K. Ministry of Food and Agriculture (Department of Agriculture)", after item 24 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from 23rd January, 1968, namely:—

"25. Director, Desert Development Board."

(iii) under the heading "U. Ministry of Rehabilitation", after item 6 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from 12th January, 1968, namely:—

"7. Chief Development-cum-Rehabilitation Commissioner Andaman and Nicobar Islands."

(iv) under the heading "A.D. Union Territories."

(a) under the sub-heading "(c) Goa, Daman & Diu", after item 10 and the entries relating thereto, the following shall be inserted and be deemed to have been inserted with effect from 24th November, 1967, namely:—

"11. Director of Education, Goa, Daman and Diu", and

(b) after the sub-heading "(f) Delhi Administration" and the item and entries thereunder the following sub-heading and the entries shall be inserted and be deemed to have been inserted with effect from 28th November, 1967, namely:—

"(g) *Pondicherry Administration.*

1. Chief Secretary, Pondichery Administration."

[No. 2(1)-E.II(A)/68.]

K. N. SINGH, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 30th April 1968

S.O. 1622.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the Oriental Bank of Commerce Ltd., New Delhi till the 1st January 1969, in respect of the shares of the Suprabhat Engineering Co. Ltd., held by it as pledge since the 2nd January 1967.

[No. F. 15(18)-BC/68.]

S.O. 1623.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Lakshmi Commercial Bank Ltd., New Delhi, in respect of the property, viz., 'Hans Raj Mills building' held by it at Amritsar, till the 30th June 1968.

[No. F. 15(13)-BC/68.]

New Delhi, the 4th May 1968

S.O. 1624.—Statement of the Affairs of the Reserve Bank of India as on the 26th April 1968

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . .	5,00,00,000	Notes . . .	32,67,78 000
		Rupee Coin	7,80,000
Reserve Fund . . .	80,00,00,000	Small Coin . . .	3,65,000
National Agricultural Credit (Long Term Operations) Fund .	131,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal
		(b) External
		(c) Government Treasury Bills . . .	69,85,78,000
National Agricultural Credit (Stabilisation) Fund . . .	25,00,00,000	Balances Held Abroad ^a . . .	147,47,43,000
National Industrial Credit (Long Term Operations) Fund . . .	30,00,00,000	Investments** . . .	206,50,28,000
		Loans and Advances to :	
		(i) Central Government
		(ii) State Governments@ . . .	121,29,56,000
Deposits—		Loans and Advances to :—	
(a) Government—		(i) Scheduled Commercial Banks† . . .	112,06 92,000
(i) Central Government . . .	77,09,98,000	(ii) State Co-operative Banks†† . . .	149,89,00,000
		(iii) Others . . .	2,38,21,000

LIABILITIES	Rs.	ASSETS	Rs.
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	7,06,63,000	(a) Loans and Advances to :—	
		(i) State Governments	31,69,62,000
		(ii) State Co-operative Banks	11,18,15,000
		(iii) Central Land Mortgage Banks
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	7,93,62,000
(i) Scheduled Commercial Banks	130,95,84,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	6,59,73,000	Loans and Advances to State Co-operative Banks	7,09,29,000
(iii) Non-Scheduled State Co-operative Banks	63,09,000		
(iv) Other Banks	5,37,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	325,91,25,000	(a) Loans and Advances to the Development Bank	6,08,93,000
Bills payable	26,93,03,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	122,78,68,000	Other Assets	62,77,58,000
Rupees	969,03,60,000	Rupees	969,03,60,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 90,29,82,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 2nd day of May, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of April, 1968
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	32,67,78,000		Gold Coin and Bullion :—		
Notes in Circulation	3307,89.11,000		(a) Held in India	115,89,25,000	
Total Notes issued		3340,56,89,000	(b) Held outside India	
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		75,86,90,000
			Government of India Rupee Securities .		2982,38,74,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		3340,56,89,000	TOTAL ASSETS		3340,56,89,000

Dated the 2nd day of May, 1968.

L. K. JHA,
Governor.

[P. 3(3)-BC/68.]

V. SWAMINATHAN, Under Secy.

(Department of Revenue & Insurance)**ESTATE DUTY***New Delhi, the 2nd May 1968*

S.O. 1625.—In exercise of the powers conferred by Sub-Section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri M. S. Nadkarni, Director of Inspection (Income-tax) as an Appellate Controller of Estate Duty with headquarters at Delhi and makes the following amendments in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-E.D., dated the 22nd May, 1964, namely:—

In the Schedule to the said notification for, the entry:

"1. Shri R. N. Jain, Director of Inspection (Income-tax), Delhi".

The following entry shall be substituted, namely:

"1. Shri M. S. Nadkarni, Director of Inspection (Income-tax), Delhi."

2. This notification shall be deemed to have come into force on the 25th day of April, 1968.

[No. 16/F. No. 1/9/67-E.D.]

E. K. LYALL, Dy. Secy.

THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS**CENTRAL EXCISE***Madras, the 23rd April 1968*

S.O. 1626.—In pursuance of Rule 5 of the Central Excise Rules, 1944, the undersigned hereby empowers the officers in the Collectorate of Central Excise, Madras detailed below, to exercise within their respective jurisdictions, the powers of the Collector under Rule 191-B(5) of the Central Excise Rules, 1944.

Where the duty involved in each case does not exceed:

1. Deputy Collectors of Central Excise, Trichy and Madras	Rs. 10,000
2. Assistant Collectors of Central Excise	Rs. 1,000
3. Superintendents of Central Excise	Rs. 250

[C. No. V(19)10/1/68-CX-I.]

S. VENKATARAMAN, Collector.

DEPARTMENT OF COMMUNICATIONS**(P. & T. Board)***New Delhi, the 20th April 1968*

S.O. 1627.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951 as introduced by S.O. No. 627 dated 8th March, 1960 the Director General, Posts and Telegraphs hereby specifies the 12th May 1968 as the date on which the Measured Rate System will be introduced in Bairagarh Telephone Exchange.

[No. 5-44/68-PHB(4).]

D. R. BAHL.

Asstt. Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 20 अप्रैल 1968

एस० नो० 1628—स्थायी आदेश क्रम संख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बैरागरह टेलीफोन केंद्र में 12-5-68 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[नं० 5-44/68 पी० एच० बी० (4).]

डी० आर० बहल, सहायक महानिदेशक (पी० एच० बी०)।

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 27th April 1968

S.O. 1629.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S.No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational pur- poses or a film dealing with news and current events or a "documen- tary film
1	2	3	4	5	6
1	Mahitichitra No. 93	263.93 M	Director of Information, Government of Gujarat, Ahmedabad-15.	Film dealing with news and current events (For release in Gujarat Circuit only).	

[No.F. 24/1/68-FP App. 1951.]

BANU RAM AGGARWAL, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS**(Department of Industrial Development)****ORDER***New Delhi, the 30th April 1968*

S.O. 1630/IDRA/6/66.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), read with Rules 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints till the 15th April, 1970, S/s Z. S. Jhala, Joint Secretary, Ministry of Transport and Shipping (Transport Wing), New Delhi and A. Bajekal, Assistant General Superintendent, Rourkela Steel Plant, Rourkela to be members of the Development Council established by the order of the Government of India in the Ministry of Industrial Development and Company Affairs No. S.O. 1465/IDRA/6/16 dated the 16th April, 1968 for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractors and Earth Moving Equipment and Internal Combustion Engines and directs that the following entries shall be added to the said Order as entries Nos. 24 and 25, namely:—

“24. Shri Z. S. Jhala, Joint Secretary, Ministry of Transport and Shipping (Transport Wing), New Delhi.”

“25. Shri A. Bajekal, Assistant General Superintendent, Rourkela Steel Plant, Rourkela.”

[No. 1(80)/67-A.E. Ind.(I).]

S. R. KAPUR, Under Secy.

(Department of Industrial Development)**ORDER***New Delhi, the 30th April 1968*

S.O. 1631/IDRA/6/5.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments), in place of members appointed under the Government of India, Ministry of Industry Order No. S.O. 1075/IDRA/6/5, dated the 5th March, 1966 as amended from time to time, whose tenure of office has expired by efflux of time or otherwise:—

DEVELOPMENT COUNCIL FOR HEAVY ELECTRICAL INDUSTRIES

1. Shri D. D. Desai, Chairman, Power Cables Ltd., 24, Brelvi Sayed Abdulla Road, Bombay-1—Chairman.
2. Shri S. Swayambur, Chairman, Heavy Electricals Ltd., Bhopal—Member.
3. Shri Sachidanand Murti, Managing Director, NGEF Ltd., Bangalore—Member.
4. Shri Ravi L. Kirloskar, M/s. Kirloskar Electric Co. Ltd., Malleswaram, Banbalore-3—Member.
5. Shri K. C. Maifra, M/s. Guest, Keen, Williams Ltd., (Sankey Division), Bombay-1—Member.
6. Shri K. Eswaran, M/s. Hackbridge-Hewitt & Easun Ltd., Madras-1—Member.
7. Shri I. K. Gupta, Managing Director, Hindustan Cables Ltd., P.O. Hindustan Cables, Burdwan District, West Bengal—Member.
8. Shri Peer Mohammed, Aluminium Industries Ltd., Kundara—Member.
9. Shri D. Majumdar, Director, Office of the Development Commissioner, Small Scale Industries, New Delhi—Member.
10. Shri K. R. Chowdhury, M/s. Electric Transformers and Equipment Co., Hyderabad-16—Member.

11. Shri A. K. Ghosh, Member Thermal, C.W.P.C., New Delhi—Member.
12. Shri C. Narasimhan, Chairman, Andhra Pradesh State Electricity Board, Hyderabad—Member.
13. Shri B. C. Kapur, Chairman, Assam State Electricity Board, Shillong—Member.
14. Shri Z. S. Haque, Chief Engineer, Bihar State Electricity Board, Patna—Member.
15. Shri B. N. Banerjee, Chief Engineer (Generation), West Bengal State Electricity Board, Calcutta—Member.
16. Prof. H. V. Gopalkrishna, Indian Institute of Science, Bangalore—Member.
17. Shri Y. S. Venkateswaran, Indian Standards Institution, New Delhi—Member.
18. Major-General C. S. Rao, Commander, Technical Group EME, Delhi Cantt.—Member.
19. Shri Satya Prakash, Deputy Director, Railway Stores (Development), Railway Board, New Delhi—Member.
20. Shri K. N. Shenoy, Deputy Secretary, Department of Industrial Development, New Delhi—Member.
21. Col. V. P. S. Menon, Industrial Adviser, D.G.T.D., New Delhi—Member.
22. Shri M. Narayan Reddy, Member of Parliament (Lok Sabha), Nizamabad District, Andhra Pradesh—Member.
23. Shri B. B. Baliga, Chief (Power) Planning Commission, Yojna Bhavan, New Delhi—Member.

Shri R. K. Gupta, Development Officer, Director General of Technical Development, New Delhi, is hereby appointed to carry on the functions of the Secretary to the said Development Council.

[No. EEI-19(20)(63).]

(Sd.) Illegible, Dy. Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 29th April 1968

S.O. 1632.—The Certification Marks Licences, details of which are mentioned in the schedule given hereafter, have lapsed or their renewal deferred:

THE SCHEDULE

Sl. No.	Licence No. and date	Licensee's name and address	Article/Process and the Relevant IS: No.	S.O. Number and date of the Gazette notifying grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-507 21-2-1963	Geo Industries & Insecticides (I) Pvt. Ltd., Field No. 82/3(a) Kaladipet, Madras-19.	DDT dusting powders IS: 564—1961	S.O. 695 dated 23-3-1963	Deferred after 15-3-1968.
2	CM/L-1053 15-4-1965	Sudershan Steel Rolling Mills, 601, Moti Ram Road, Shahdara, Delhi-32.	Structural steel (standard quality) IS: 226—1962	S.O. 1592 dated 22-5-1965	These licences were deferred after 30 April 1966 and have now to be treated as lapsed after 21 March 1968.
3	CM/L-1054 15-4-1965	Sudershan Steel Rolling Mills, 601, Moti Ram Road, Shahdara, Delhi-32.	Structural steel (ordinary quality) IS: 1977—1962		
4	CM/L-1217 28-2-1966	United Coffee Supply Co. Ltd., 6/9 Trichy Road, Coimbatore.	Soluble coffee powder IS: 2791—1964	S.O. 851 dated 19-3-1966	Deferred after 29-2-1968.
5	CM/L-1109 17-3-1967	Delhi Provender Mills, 14, Najafgarh Road, New Delhi-15.	Poultry feeds IS: 1374—1964	S.O. 1531 dated 29-4-1967	Lapsed after 15-3-1968.
6	CM/L-1410 17-3-1967	Delhi Provender Mills, 14, Najafgarh Road, New Delhi-15.	Balanced feed mixtures for cattle IS: 2052—1962	S.O. 1531 dated 29-4-1967	Lapsed after 15-3-1968.
7	CM/L-1416 27-3-1967	Delhi Iron & Steel Co. (P) Ltd., G.T. Road, Ghaziabad.	Structural steel (standard quality) IS: 226—1962	S.O. 1531 dated 29-4-1967	Deferred after 31-3-1968.
8	CM/L-1417 27-3-1967	Delhi Iron & Steel Co. (P) Ltd., G.T. Road, Ghaziabad.	Structural steel (ordinary quality) IS: 1977—1962	S.O. 1531 dated 29-4-1967	Deferred after 31-3-1968.

- | | | | | |
|----|------------------------|--|---------------------------|---------------------------|
| 9 | CM/L-1422
30-3-1967 | The Bhartia Steel & Engg. Co. Structural steel (standard qua-
Pvt. Ltd., 106 & 106/1, Dharam- lity) IS: 226—1962
tola Road, (Salkia), Howrah. | S.O. 1531 dated 29-4-1967 | Deferred after 31-3-1968. |
| 10 | CM/L-1423
30-3-1967 | The Bhartia Steel & Engg. Co. Structural steel (ordinary qua-
Pvt. Ltd., 106 & 106/1, Dharam- lity) IS: 1977—1962
tola Road, (salkia), Howrah. | S.O. 1531 dated 29-4-1967 | Deferred after 31-3-1968. |

[No. MD/33 : 16/C.]

(DR.) SADGOPAL,
Deputy Director General.

MINISTRY OF STEEL, MINES AND METALS**(Department of Mines and Metals)***New Delhi, the 4th May 1968*

S.O. 1633.—In exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957), and of all other powers enabling it in this behalf, the Central Government hereby rescinds the notification of the Government of India, in the late Ministry of Steel and Mines (Department of Mines and Metals), No. S.O. 337, dated the 19th January, 1966.

[No. C2-24(1)/62.]

M. S. K. RAMASWAMY, Dy. Secy.

MINISTRY OF IRRIGATION AND POWER*New Delhi, the 2nd May 1968*

S.O. 1634.—In exercise of the powers conferred by sub-section (1) of Section 36 of the Indian Electricity Act, 1910, the Central Government, hereby appoint the Executive Engineer, (Electrical), Paradip Port as an Electrical Inspector to exercise the powers and perform the functions of an Electrical Inspector under the said Act in respect of all works and electrical installations relating to Paradip Port and project works executed or controlled by the Paradip Project within Paradip Project areas.

[No. F. 9-20/68-U.2.]

S. NARAYANASWAMY, Under Secy.

MINISTRY OF EDUCATION*New Delhi, the 30th April 1968*

S.O. 1635.—In exercise of the powers conferred by clause (b) sub-section (2) of section 5 of the University Grants Commission Act, 1956 (3 of 1956), the Central Government hereby appoints with immediate effect Shri G. K. Chandiramani, Secretary, Ministry of Education, as a member of the University Grants Commission *vice* Shri P. N. Kirpal who has since relinquished the charge of his office. In accordance with Section 6(3) of the same Act, Shri Chandiramani will hold office for the residue of the term of Shri P. N. Kirpal, that is upto 1st August, 1972.

[No. F. 9-20/68-U.2.]

P. D. SHUKLA, Joint Educational Adviser.

Cultural Activities Division I**[CAI (I) Section]***New Delhi, the 29th April 1968*

S.O. 1636.—Whereas it has been made to appear to the Central Government that M/s. Narang Overseas (P) Ltd., and others committed offences punishable under section 5 of the Antiquities (Export Control) Act, 1947 and other sections of law in case R.C. 17/66-CIA(I) of the Central Bureau of Investigation, Government of India, Ministry of Home Affairs, New Delhi.

And whereas no court can take cognizance of an offence punishable under the Antiquities (Export Control) Act, 1947, except upon a complaint in writing made by an officer generally or specially authorised in this behalf by the Central Government.

Now, therefore, the Central Government is pleased to authorise Shri Ulfat Rai, Deputy Superintendent of Police, CIA(I), Special Police Establishment, New Delhi to prefer the complaint under the Antiquities (Export Control) Act, 1947, before a court of law of competent jurisdiction in the aforesaid case.

[No. F. 5/146/66 CI.]

By order in the name of the
President of India.

P. GANGULEE, Dy. Secy.

Cultural Activities Division I**[CAI (I) Section]****ARCHAEOLOGY***New Delhi, the 1st May 1968*

S.O. 1637.—Whereas by notification of the Government of India in the Ministry of Education No. S.O. 4400, dated the 4th December, 1967, published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 16th December, 1967 **the Central Government gave notice of its intention to declare the ancient monument specified in the Schedule below to be of national importance.**

And whereas no objections have been received to the making of such declaration.

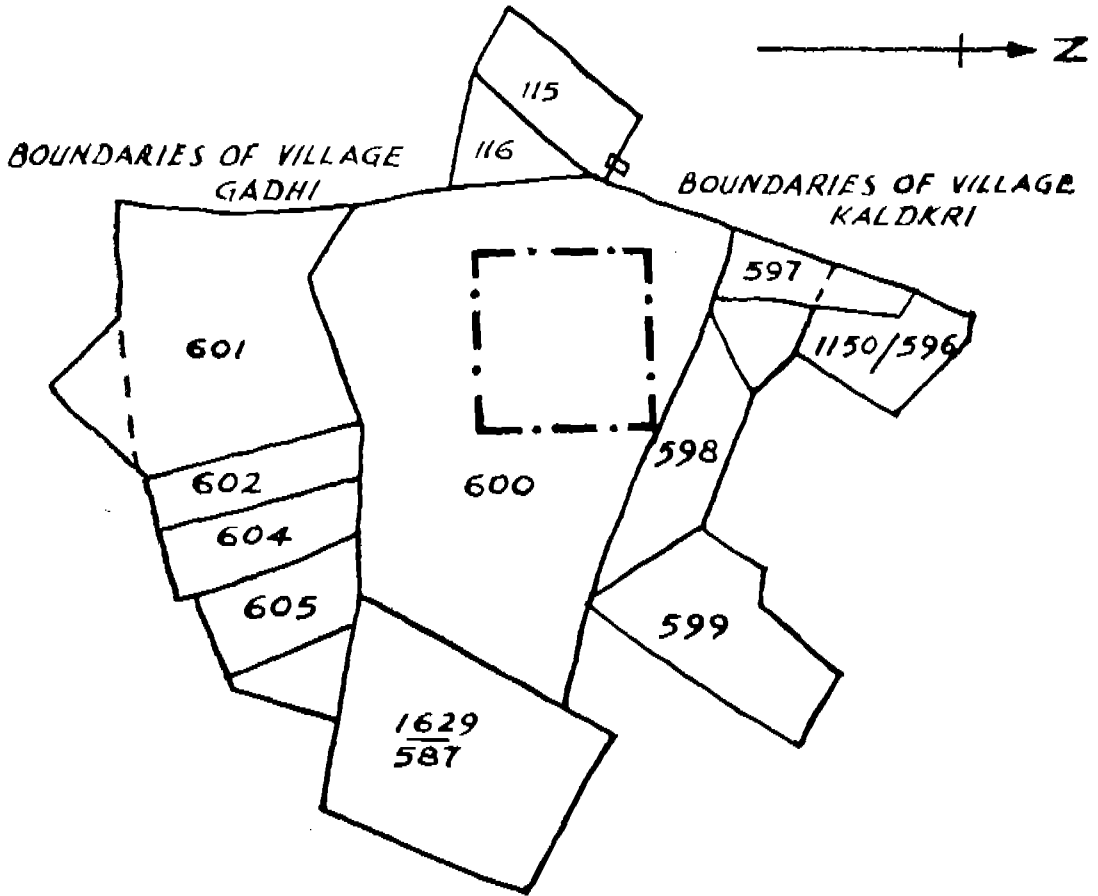
Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said ancient monument to be of national importance.

THE SCHEDULE

State	District	Tehsil	Locality	Name of monument	Revenue plot numbers to be included under protection.	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Delhi	Delhi	Mehrauli	Bahapur	Asokan rock edict together with adjacent area comprised in part of survey plot No. 600 as shown in the plan reproduced below.	Part of survey plot No. 600 as shown in the plan reproduced below.	14 Bighas and 7.8 Biswas	North: Remaining portion of survey plot No. 600 East: Remaining portion of survey plot No. 600 South: Remaining portion of survey plot No. 600 West: Remaining portion of survey plot No. 600.	Land and Housing Development.	

SITE PLAN OF ASHOKAN ROCK EDICT AT BAHAPUR

0 100 METRES 330 0 330 FEET



LIMITS OF PROPOSED PROTECTION — • —

[No. F. 4/12/67-CAI(I).]
SHARDA RAO (MRS.),
Assistant Educational Adviser.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 25th April 1968

S.O. 1638.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-tax Circle, Ward and District		
1	2		
Appellate Assistant Commissioner of Income-tax, A-Range, Indore.	1. I.T.O.,	A-Ward,	Indore.
	2. "	C-Ward,	Indore.
	3. "	E-Ward,	Indore.
	4. "	H-Ward,	Indore.
	5. "	Khargone.	
	6. "	Special Estate Duty-cum-Income-tax Circle,	Indore.
Appellate Assistant Commissioner of Income-tax, B-Range, Indore.	1. I.T.O.,	Central Circle,	Indore.
	2. "	B-Ward,	Indore.
	3. "	D-Ward,	Indore.
	4. "	F-Ward,	Indore.
	5. "	G-Ward,	Indore.
	6. "	J-Ward,	Indore.
	7. "	K-Ward,	Indore.
	8. "	L-Ward,	Indore.
	9. "	M-Ward,	Indore.
	10. "	Special Survey Circle,	Indore.
Appellate Assistant Commissioner of Income-tax, Gwalior Range, Gwalior.	1. I.T.O.,	A-Ward,	Gwalior.
	2. "	B-Ward,	Gwalior.
	3. "	C-Ward,	Gwalior.
	4. "	D-Ward,	Gwalior.
	5. "	A-Ward,	Sagar.
	6. "	B-Ward,	Sagar.
	7. "	Vidisha	
	8. "	Guna	
	9. "	A-Ward,	Ujjain.
	10. "	B-Ward,	Ujjain.
	11. "	C-Ward,	Ujjain.
	12. "	D-Ward,	Ujjain.
Appellate Assistant Commissioner of Income-tax, Bhopal Range, Bhopal.	1. I.T.O.,	A-Ward,	Bhopal.
	2. "	B-Ward,	Bhopal.
	3. "	C-Ward,	Bhopal.
	4. "	D-Ward,	Bhopal.
	5. "	A-Ward,	Ratlam.
	6. "	B-Ward,	Ratlam.
	7. "	C-Ward,	Ratlam.
	8. "	Mandsaur.	
Appellate Assistant Commissioner of Income-tax, Jabalpur Range, Jabalpur.	1. I.T.O.,	Central Circle,	Jabalpur.
	2. "	A-Ward,	Jabalpur.
	3. "	B-Ward,	"
	4. "	C-Ward,	"
	5. "	D-Ward,	"

1	2	
	6.	I.T.O., E-Ward, Jabalpur.
	7.	" F-Ward, "
	8.	" G-Ward, "
	9.	" H-Ward, "
	10.	" Special Survey Circle, Jabalpur.
	11.	" A-Ward, Satna.
	12.	" B-Ward, Satna.
	13.	" C-Ward, Satna.
Appellate Assistant Commissioner of Income-tax, Raipur Range, Raipur.	1.	I.T.O., A-Ward, Raipur.
	2.	" B-Ward, "
	3.	" C-Ward, "
	4.	" D-Ward, "
	5.	" E-Ward, "
	6.	" Assessment I, Raipur.
	7.	" " II, Raipur.
	8.	" " III, Raipur.
	9.	" " IV, Raipur.
	10.	" Administration and Collection, Raipur.
	11.	" A-Ward, Durg.
	12.	" B-Ward, Durg.
	13.	" Rajnandgaon.
	14.	" Raigarh.
	15.	" Jagdalpur.
	16.	" Bilaspur.
	17.	" Chhindwara.
Appellate Assistant Commissioner of Income-tax, A-Range, Nagpur.	1.	I.T.O., A-Ward, Nagpur.
	2.	" B-Ward, Nagpur.
	3.	" Special Survey Circle, Nagpur.
	4.	" Salary Circles, Nagpur.
	5.	" Special Investigation Circle, A-Nagpur
	6.	" Do. B-Nagpur.
	7.	" Do. C-Nagpur.
	8.	" Do. D-Nagpur.
	9.	" Refund Circle, Nagpur.
	10.	" Special Estate Duty-cum-Income-tax Circle, Nagpur.
	11.	" E-Ward, Nagpur.
	12.	" H-Ward, Nagpur.
	13.	" Assessment I, Nagpur.
	14.	" Assessment II, Nagpur.
	15.	" Assessment V, Nagpur.
	16.	" Administration, Nagpur.
	17.	" Collection, Nagpur.
	18.	" City Circle, Nagpur.
	19.	" City Circle & Refunds, Nagpur.
	20.	" Central Circle-I, Nagpur.
	21.	" Central Circle-II, Nagpur.
	22.	" Central Circle-III, Nagpur.
	23.	" A-Ward, Itarsi.
	24.	" B-Ward, Itarsi.
Appellate Assistant Commissioner of Income-tax, B-Range, Nagpur.	1.	I.T.O., C-Ward, Nagpur.
	2.	" D-Ward, "
	3.	" F-Ward, "
	4.	" G-Ward, "
	5.	" Assessment-III, Nagpur.
	6.	" Assessment-IV, Nagpur.
	7.	" Assessment-VI, Nagpur.
	8.	" Assessment-VII, Nagpur.
	9.	"(ITOs) Khandwa.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the AAC of the Range from whom that Income Circle Ward or District or part thereof is transferred shall, from the date this notification shall take effect be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle Ward or District or part thereof is transferred.

This notification shall take effect from the 1st May, 1968.

Explanatory Note

The amendments have become necessary on account of the abolition of an Appellate Assistant Commissioner's Range and consequential reorganisation of the circles.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 28 (F. No. 50/6/68-ITJ).]

P. G. GANDHI, Under Secy.

INCOME-TAX

New Delhi, the 29th April 1968

S.O. 1639.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 20 (F. No. 55/1/62-IT) dated 30th April, 1963 published as S.O. 1293 on pages 1454—1457 of the Gazette of India Part II Section 3 sub-section (ii) dated the 11th May, 1963, as amended from time to time:—

I. Against S. No. 9 Madras-I, under Column 3 of the Schedule appended thereto:

(i) The existing entry against items 6 and 7 shall be substituted by the following:

“6. Salem”

(ii) The existing items 8 to 22 shall be renumbered 7 to 21.

2. This notification shall take effect from the 1st May, 1968.

[No. 30/F. No. 55/134/68-IT(A-II).]

S.O. 1640.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its Notification No. 20 (F. No. 55/1/62-IT) dated 30th April, 1963 published as S.O. 1293 on pages 1454—1457 of the Gazette of India Part II Section 3 sub-section (ii) dated the 11th May, 1963, as amended from time to time:—

I. Existing entries under columns (1), (2) and (3) against Serial Number 3 shall be substituted by the following entries:—

Income-tax Commissioner	Headquarters	Jurisdiction
(1)	(2)	(3)
3. Bihar	Patna	State of Bihar
II. After the existing S. No. 3, the following be added :		
3A. Orissa	Bhubaneswar	State of Orissa excluding Central Circle, Cuttack.

The Notification shall take effect from 15th May, 1968.

[No. 31/F. No. 55/140/68-IT(A-II).]

A. RAGHAVENDRA RAO, Under Secy.

ESTATE DUTY

New Delhi, the 29th April 1968

S.O. 1641.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notifications Nos. 5 and 6/F. No. 21/47/65-E.D. dated the 19th April, 1965 published as S.O. Nos. 1316 and 1317 respectively in Part II, Section 3(ii) of the Gazette of India, dated the 24th April, 1965, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to any of the Estate Duty-cum-Income-tax Circles mentioned in Col. 2 of the Schedule below shall perform his functions as Assistant Controller in the said circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons, who immediately before their death were being or would have been assessed to income-tax, had they derived any taxable income in any Income-tax Circle, the head-quarters of which lies within the revenue districts shown as corresponding entries in Column 3 of the said schedule against each of the Estate Duty-cum-Income-tax Circles.

SCHEDULE

Sl. No.	Name of the Circle	Jurisdiction in terms of Revenue districts
1	2	3
1.	Estate Duty-cum-Income Tax Circle, Hyderabad.	Hyderabad, Nalgonda, Karimnagar, Adilabad, Nizamabad, Medak, Warangal, Mahbubnagar, Kurnool, Anantpur, Cuddapah and Khammam of the Andhra Pradesh state.
2.	Estate Duty-cum-Income Tax Circle, Kakinada.	West Godavari, East Godavari, Visakhapatnam, Srikakulam of the Andhra Pradesh State and the territory of Yanam in the Union territory of Pondicherry.
3.	Estate Duty-cum-Income Tax Circle, Guntur.	Chittoor, Nellore, Guntur and Krishna of the Andhra Pradesh State.

2. This notification shall come into force from 15th May, 1968.

Explanatory Note

(This note does not form a part of the Notification but is intended to be merely clarificatory.)

This Notification has become necessary due to the re-organisation of the two existing Estate Duty-cum-Income-tax Circle at Kakinada and Guntur.

[No. 14/F. No. 21/55/68-E.D.]

S.O. 1642.—In exercise of the powers conferred by Section 4 of the Estate Duty Act, 1953 (34 of 1953) read with rule 5 of the Estate Duty Rules, 1953, the Central Board of Direct Taxes hereby transfers, with effect from 15th May, 1968 the cases relating to the estates of the deceased persons, who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax Circle, the head-quarters of which lies

within the Revenue districts of Andhra Pradesh State as mentioned in Column 2 of the Schedule below from the Assistant Controller, Estate Duty-cum-Income-tax Circle, mentioned in Column 3 to the Assistant Controller, Estate Duty-cum-Income-Tax Circle, mentioned in Column 4 of the Schedule.

SCHEDULE

Sl. No.	Name of the Revenue Dist.	From Assistant Controller, Estate Duty-cum-Income-tax Circle,	To Assistant Controller, Estate Duty-cum-Income-tax Circle.
1.	2.	3.	4.
1.	Krishna	Kakinada	Guntur
2.	West Godavari	Guntur	Kakinada

Explanatory Note

(This note does not form a part of the notification but is intended to be merely clarificatory.)

This notification has become necessary due to the re-organisation of the two existing Estate Duty-cum-Income-Tax Circles at Kakinada and Guntur.

[No. 15/F. No. 21/55/68-E.D.]

New Delhi, the 2nd May 1968

S.O. 1643.—In exercise of the powers conferred by Sub-Section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 6/F. No. 1/31/66-E.D., dated the 9th June 1966 published as S.O. 1792 in Part II, Section 3(ii) of the Gazette of India dated 18th June 1966, the Central Board of Direct Taxes hereby directs that Shri M. S. Nadkarni, Director of Inspection, shall perform the functions of an Appellate Controller of Estate Duty throughout India in respect of:—

- (a) The estates of deceased persons assessed to estate duty on or after the 1st July, 1960 by a Deputy Controller of Estate Duty exercising his functions as such,
- (b) The estates of deceased persons in relation to which an appeal lies under Section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by a Deputy Controller of Estate Duty exercising his functions as such.

2. This notification shall be deemed to have come into force on the 25th April, 1968.

[No. 17/F. No. 1/9/67-E.D.]

E. K. LYALL, Secy.

CENTRAL BOARD OF EXCISES AND CUSTOMS

CUSTOMS

New Delhi, the 29th April 1968

S.O. 1644.—In exercise of the powers conferred by sections 157 and 158 of the Customs Act, 1962 (52 of 1962), and of all other powers enabling it in this behalf, the Central Board of Excise and Customs hereby makes the following amendment to its notification No. 58 (F. No. 10/33/67-Ad. V) dated 3rd April, 1968 published as S.O. 1314 in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated 13th April, 1968, namely:—

For the existing figures "4.00 4.75 5.00 6.00" appearing against serial number 7. Preventive Inspector, the figures "3.75 4.50 5.00 5.75" shall be substituted.

[No. 63 (F. No. 10/33/67-Ad. V).]

M. G. ABROL, Member.

**MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT
AND COOPERATION**

(Department of Agriculture)

New Delhi, the 26th April 1968

S.O. 1645.—In pursuance of clause (f) of section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and clause (i) and (k) of rule 4 of the General Grading and Marking Rules, 1937, the Central Government hereby

fixes with immediate effect, label charges for Agmark labels to be affixed on the containers of Ground Spices including curry powder as indicated at item 3A below and also makes the following amendments to the notification of the Government of India in the late Ministry of Food and Agriculture, (Department of Agriculture), No. 2059 dated the 3rd July, 1965 namely:—

In the said notification, for item 3 (b) "Turmeric Powder" and the entries relating thereto, the following items and entries shall be substituted, namely:—

"3(b) Turmeric Powder Graded at port towns for export plus analytical charges per sample	.. Rs. 1.40 per quintal Rs. 10/-
3A Ground Spices, including curry powder	.. Rs. 2.00 per quintal"

[No. F. 13-28/67-AM.]

New Delhi, the 29th April 1968

S.O. 1646.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), and in supersession of the Eggs Grading and Marking Rules, 1937 the Central Government hereby makes the following rules, the same having been previously published as required by the said section, namely:—

Rules

1. Short title, application and commencement.—

- (1) These rules may be called the Table Eggs Grading and Marking Rules, 1968.
- (2) They shall apply to table eggs produced in India.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules;

(a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India and includes any officer subordinate to him to whom the powers under these rules may be delegated by the Agricultural Marketing Adviser.

(b) "Schedule" means a schedule appended to these rules;

(c) "table eggs" means edible eggs derived as a product of poultry husbandry.

3. Grade designation.—The grade designation to indicate the quality of table eggs shall be as set out in column 1 of Schedule II.

4. Definition of quality.—The quality of table eggs indicated by the respective grade designations shall be as set out against each grade designation in columns 2 to 8 of Schedule II.

5. Grade designation Marks.—

(1) The grade designation mark in the case of each table egg shall consist of a design incorporating the word 'Agmark' and the grade of the egg as approved by the Agricultural Marketing Adviser placed centrally in a circle of not less than 13 mm. in diameter.

(2) The grade designation mark in the case of containers in which graded table eggs are packed shall consist of a label in the colour as set out in the table below, specifying the grade designation and bearing the design of an outline map of India with the word 'Agmark' and the figure of the rising sun, with the words "Produce of India" and "भारतीय उत्पात" resembling the one set out in Schedule I.

TABLE

The grade designation mark to be attached to each container of table eggs shall consist of a label specifying the grade designation shall be in and the following colour, namely:—

Grade designation	Colour of label
(1)	(2)
Extra large	White
Large	Red
Medium	Blue
Small	Yellow

6. Method of Marking:—

(1) The grade designation mark shall be marked legibly on each table egg in indelible ink on the shell by means of a rubber stamp and in a manner approved by the Agricultural Marketing Adviser.

(2) The grade designation mark label shall be attached by means of a lead seal bearing the word AGMARK to each container of table eggs and shall clearly show the following particulars:—

- (a) Grade designation of the table eggs;
- (b) number of table eggs;
- (c) net weight of table eggs;
- (d) name of grading station;
- (e) date of despatch.

7. Method of Packing:—

(1) Only sound, clean and dry containers which are suitable for the purpose and are free from any undesirable smell and from any insect infestation or fungus contamination shall be used for packing.

(2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

(3) Packing material, if used, shall be clean, dry, sweet smelling and free from any taint liable to impart any objectionable flavour to the table eggs.

(4) Table eggs of different grades shall be packed separately, as far as possible, and, if table eggs of more grades than one are packed in one container, a layer of clean paper or clean straw shall be placed between the different grades and separate label of appropriate colour shall be attached to the container giving the particulars in respect of the table eggs of each grade packed in the container.

SCHEDULE I

(See rule 5)

Map of India



SCHEDULE II

*Grade designations and definition of quality of table eggs produced in India**(See rules 3 and 4)*

Grade	Weight (individual) in gms.	Weight (per dozen) in gms.	Weight (per unit of ten in gms.	Shell	Air Cell	White	Yolk
I	2	3	4	5	6	7	8
A. Extra Large	60 and above	715 and above	596 and above	Clean, unbroken and sound shape normal	Upto 4 mm. in depth practically regular or better	Clear, reasonably firm	Fairly well centred practically free from defects, outline indistinct.
A. Large	53-59	631-714	526-595				
A. Medium	45-52	535-630	446-525				
A. Small	38-44	456-534	380-445				
B. Extra Large	60 and above	715 and above	596 and above	Clean to moderately stained, sound and slightly abnormal	8 mm in depth, may be free and slightly bubbly	Clear, may be slightly weak	May be slightly off-centred, outline slightly visible.
B. Large	53-59	631-714	526-595				
B. Medium	45-52	535-630	446-525				
B. Small	38-44	456-534	380-445				

[No. 13-14/67-AM.]

V. S. NIGAM, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY**(Department of Works and Housing)***New Delhi, the 4th May 1968*

S.O. 1647.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column (1) of the table below, being the officers equivalent to the rank of gazetted officers of Government to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their jurisdiction in respect of the public premises specified in column (2) of the said table.

THE TABLE

<i>Designation of the officer</i> (1)	<i>Categories of public premises and local limits of jurisdiction.</i> (2)
Tehsildars (Assessment) Delhi Development Authority.	Premises belonging to the Delhi Development Authority whether such premises are in the possession or leased out by the said Authority or the premises belonging to the Central Government placed at the disposal of the Delhi Development Authority in accordance with the provisions of the Delhi Development Act, 1957.

[No. F. 21011(4)/66-Pol.]

V. P. AGNIHOTRI, Dy. Secy.

MINISTRY OF COMMERCE*New Delhi, the 10th May 1968*

S.O. 1648.—In exercise of the powers conferred by section 3 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby,—

(i) **nominates—**

Shri G. K. Ahuja, Deputy Director General (Inspection), Directorate General of Supplies and Disposals, New Delhi.

(ii) **appoints—**

(a) Shri S. N. Rungta, Vice-President, Engineering Association of India, Calcutta.

(b) Dr. Raman C. Amin, Managing Director, M/s. Therapeutics Chemical Research Corpn., Bombay.

as members of the Export Inspection Council and directs that the following further amendment shall be made in the notification of the Government of India in the late Ministry of International Trade No. S.O. 3605, dated the 30th December, 1963, namely:—

In the said notification for items 8, 9, 10 and 15, the following items shall respectively be substituted, namely:—

"8. Shri A. R. Bhat,

Federation of Association of Small Industries of India,
New Delhi."

"9. Shri S. N. Rungta, Vice-President,
Engineering Association of India,
Calcutta."

"10. Shri G. K. Ahuja, Deputy Director-General (Inspection), Directorate General of Supplies & Disposals, New Delhi."

"15. Dr. Raman C. Amin, Managing Director, M/s. Therapeutics Chemical Research Corpn., Bombay."

[No. 30(38)Exp. Insp/66.]

M. K. B. BHATNAGAR, Under Secy.

(Office of the Joint Chief Controller of Imports and Exports)
(Central Licensing Area)

ORDER

New Delhi, the 16th April 1968

S.O. 1649.—A licence No. P/SS/1607394/C, dated 12th September 1967 of the value of Rs. 3488/- for import of copper and aluminium wire rods, E.C. grade was issued to M/s. Shiv Cable Mfg. Co., 2087, Jamuna Bridge, Delhi-6 subject to the condition that the goods imported against it shall be used only in the licence holder's factory and no portion thereof shall be sold to or utilized or permitted to be used in any other manner.

2. Thereafter, a show cause notice No. S-27/67/ENF/CLA/4193 dated 8th December 1967 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government was satisfied that the licence would not serve the purpose for which it had been granted in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice, M/s. Shiv Cable Mfg. Co., 2087, Jamuna Bridge, Delhi have not sent any reply.

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1607394/C dated 12th September 1967 for Rs. 3488/- issued in favour of M/s. Shiv Cable Mfg. Co., 2087, Jamuna Bridge, Delhi-6.

M/s. Shiv Cable Mfg. Co.,
2087, Jamuna Bridge, Delhi-6.

[No. S-27/67/ENF/CLA/193.]

J. S. BEDI,

Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 2nd May 1968

S.O. 1650.—In exercise of the powers conferred by clause 9 of the Import (Control) Order 1955, dated the 7th December, 1955, as amended, the undersigned hereby cancels the Import Licence No. G/RC/2085388/R/IA/22/CH/21-22, dated 6th November 1965 (both the Exchange Control and Customs Purpose copies fully unutilised) for the import of 'Spares for MC Kiernan-Terry Hammer etc. valued at Rs. 8,944 issued in favour of M/s. William Jacks and Co. Ltd., 16, Netaji Subhas Road, Calcutta.

The reason for cancellation is that the party were unable to supply the goods within the validity period and they required further foreign exchange to the extent of Rs. 18,000 to cover the increase in c.i.f. value of the goods. Ultimately, the railways have decided to call for fresh quotation.

[No. 41-W/Rly/65-66/GLS/24.]

New Delhi, the 6th May 1968

S.O. 1651.—In exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955 dated 7th December, 1955, as amended, the undersigned hereby cancels both the customs purposes copy and Exchange Purposes copy of Import

Licence No. G/RC/2086371/R/IA/28/CH/23, dated 18th October 1967 for the importation of Rolled Rings & Rivet Wire L.C.9.161" etc. falling under I.T.C. Schedule No. 19(2)(i&ii)/II valued at Rs. 5,900 issued in favour of M/s. National Engineering Industries Ltd., Jaipur.

The reason for cancellation of the licence is that the same is no longer required by the party as they have made alternative arrangement for the import of the required raw material.

[No. 4-N/Rly/67-68/GLS/895/28.]

S. A. SESHAN,

Dy. Chief Controller of Imports and Exports.

MINISTRY OF PETROLEUM AND CHEMICALS
(Department of Petroleum)

New Delhi, the 20th April 1968

S.O. 1652.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 841 dated 24th February 1968 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (1) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

State : Gujarat

Dist. : Broach

Taluka : Ankleshwar

Village	S. No.	Hectare	Acre	P. Are.
Umarwada	297	0	12	14
"	206/1	0	20	23

K. M. VYAS,
Asstt. Liaison Officer,
Gujarat Pipeline Project, Baroda.

[No. 31/67/63-Prod/IOC.]

S.O. 1653.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 713 dated 16th February 1968 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the scheduled appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (1) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

State : Gujarat		Dist. : Kaira		Taluka : Nadiad	
Village	Survey No.	Hectare	Acre	P. Acre.	
Palana	730	0	0	22	
"	Vaso Palana Road	0	0	60	
"	574	0	1	55	
"	577	0	3	55	

K. M. VYAS,
Asstt. Liaison Officer,
Gujarat Pipeline Project Baroda.

[No. 31(41)/64-ONG/PROD/IOC.]

New Delhi, the 3rd May 1968

S.O. 1654.—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from Koyali in Gujarat State to Ahmedabad (Sabarmati Indian Oil Corporation Station), in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempecco, 4th floor, Sayaji Gunj, Opp. College, Lokmanya Tilak Road, Baroda-5, in the office of the Gujarat Pipelines Project (Oil and Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State : Gujarat		Dist. Kaira		Taluka : Nadiad	
Village	Survey No.	Hectare	Acre	P. Acre.	
Vadtal	447/2	0	1	18	

K. M. VYAS,
Asstt. Liaison Officer,
Gujarat Pipeline Project, Baroda.

[No. 31(41)/64-ONG/Prod/IOC.]

ERRATUM

New Delhi, the 3rd May 1968

S.O. 1655.—In notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2652, dated 5th August 1963 published in the Gazette of India. Part-II, Section 3, Sub-section (ii), dated 28th August, 1965

at page No. 2929 and at village Adol Taluka Ankleshwar read S. No. 479 for S. No. 449.

[No. 31(67)/63-Prod/IOC.]

P. P. GUPTA, Under Secy.

MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT

(Deptt. of Health)

New Delhi, the 29th April 1968

S.O. 1636.—In pursuance of clause (d) of rule 2 of the Indian Medical Council (Election of Lincentiates) Rules, 1965 published with the notification of the Government of India in the late Ministry of Health No. GSR 216 dated the 5th February, 1965, the Central Government hereby appoints Dr. (Miss) S. A. Chitale, Deputy Assistant Director General (Librarian) in place of Shri K. Gangaya as "Assistant Returning Officer" for the conduct of election of members to the Medical Council of India under clause (d) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956).

[No. F. 4-3/65-MPT.]

S. O. 1637.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government, after consulting the Medical Council of India, hereby makes the following amendments in the First Schedule to the said Act, namely:—

In the said Schedule—

1. in the entries relating to the University of Delhi, after the entry "Diploma in Tuberculosis and Chest Diseases . . D. T. C. D., Delhi", the following entries shall be inserted, namely :—

"Diploma in Ophthalmology D. O. Delhi.
Diploma in Anaesthesia D. A., Delhi.

2. in the entry relating to the Utkal University after the existing entry the following entries shall be inserted, namely :

"Doctor of Medicine (Pharmacology) M. D. (Pharmh), Utkal.
Diploma in Medical Radiology and Diagnosis . . D. M. R. D., Utkal.
Doctor of Medicine (Dermatology and Venereology) . M. D. (Dermatology and Venerology), Utkal.

3. in the entries relating to the Nagpur University, after the entry "Doctor of Medicine (Medicine) . . . M. D. (Med), Nagpur" the following entries shall be inserted, namely :

"Doctor of Medicine (Pharmacology) M. D. (Pharm.), Nagpur.
Doctor of Medicine (Preventive and Social Medicine) M. D. (Preventive and Social Medicine, Nagpur.

4. in the entry relating to the Osmania University, after the existing entry, the following entries shall be inserted, namely :—

"Diploma in Anaesthesiology D. A. Osmania.
Diploma in Medical Radiology D. M. R., Osmania.
Master of Surgery (General Surgery) M. S. (Genl. Surg.) Osmania.
Master of Surgery (Ophthalmology) M. S. (Ophth.) Osmania.
Doctor of Medicine (General Medicine) M. D. (Genl. Med) Osmania.

5. in the entry relating to the University of Mysore, after the existing entry the following entry shall be inserted, namely :

"Diploma in Psychological Medicine D. P. M., Mysore".

6. in the entries relating to the University of Rajasthan, after the entry "Master of Surgery (Obstetrics and Gynaecology)... M. S. (Obst. & Gyn.), Rajasthan", the following entries shall be inserted, namely :—

"Master of Science (Medical Pathology)	M. Sc. (Medl. Path.) Rajasthan,
Master of Surgery (Orthopaedics)	M. S. (Orth.) Rajasthan.
Doctor of Medicine (Paediatrics)	M. D. (Paed.) Rajasthan.

7. in the entries relating to the University of Kerala, after the entry "Diploma in Gynaecology and Obstetrics... D. G. O. Kerala" the following entries shall be inserted, namely :—

"Doctor of Medicine (Pathology)	M. D. (Path.), Kerala.
Doctor of Medicine (Physiology)	M. D. (Phy.), Kerala.
Diploma in Child Health	D. C. H., Kerala".

8. in the entries relating to the M. S. University of Baroda, after the entry "Master of Surgery (Orthopaedics)... M. S. (Orth.), Baroda, the following entries shall be inserted, namely :—

"Diploma in Paediatrics	D. Paed. Baroda.
Diploma in Dermatology and Venereology)	(D. V. & D.) Baroda.
Diploma in Tuberculosis Diseases	T. D. D., Baroda.
Diploma in Clinical Pathology	D. C. P., Baroda.

9. in the entries relating to the Jabalpur University, after the entry "Master of Surgery (Obstetrics and Gynaecology) M. S. (Obst. and Gyn.), Jabalpur", the following entries shall be inserted, namely :

"Doctor of Medicine (General Medicine)	M. D. (Genl. Med.) Jabalpur.
Doctor of Medicine (Pharmacology)	M. D. (Pharm.), Jabalpur.

10. in the entry relating to the Bangalore University after the existing entry, the following entry shall be inserted, namely :—

"Diploma in Psychological Medicine	D. P. M., Bangalore."
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11. in the entries relating to the Dibrugarh University, after the entry "Diploma in Ophthalmology... D. O. Dibrugarh," the following entries shall be inserted, namely :—

"Doctor of Medicine (General Medicine)	M. D. (Genl. Med.) Dibrugarh.
Master of Obstetrics	M. O. Dibrugarh".

12. in the entry relating to the Madurai University, after the existing entry, the following entry shall be inserted namely :

"Diploma in Child Health	D. C. H., Madurai".
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13. after the entries relating to the Madurai University, the following entry shall be inserted, namely :—

"Sambalpur University Bachelor of Medicine and Bachelor of Surgery.	M. B. B., S. Sambalpur.
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[No. F. 18-33/67-MPT.]

New Delhi, the 30th April 1968

S.O. 1658.—Whereas Dr. R. P. Lall, LDSC, DEDP, ZDS, FICD, Dental Surgeon, Arya Kumar Road, Rajendera Nagar, Patna-4, has been elected with effect from the 28th February, 1968, from the State of Bihar as a member of the Dental Council of India under clause (a) of section 3 of the Dentists Act, 1948 (16 of 1948);

Now, therefore, in pursuance of section 3 of the said Act the Central Government hereby directs that Dr. R. P. Lall, who is a member of the Dental Council of India constituted under the notification of the Government of India in the late Ministry of Health No. 3-2/62-MII, dated the 17th October, 1962 and whose name appears against serial No. 2 under the heading "Elected under clause (a) of section 3" shall continue to be a member of the Dental Council of India for a further period of five years with effect from the 28th February, 1968 or until his successor shall have been duly elected, whichever is longer.

[No. F. 3-3/67-MPT(A)]

S.O. 1659.—Whereas the State Government of Rajasthan has, in pursuance of clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948), nominated Dr. S. D. Sharma, B.Sc., DPHD, FICD, Professor of Dentistry, S.M.S. Medical College, Jaipur, to be a member of the Dental Council of India with effect from the 19th September, 1967;

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby directs that Dr. S. D. Sharma, who is a member of the Dental Council of India constituted under the notification of the Government of India in the late Ministry of Health No. 3-2/62-MII, dated the 17th October, 1962, and whose name appears against serial No. 9 under the heading "Nominated under clause (c) of section 3" shall continue to be a member of the Dental Council of India for a further period of five years with effect from the 19th September, 1967 or until his successor shall have been duly nominated, whichever is longer.

[No. F. 3-3/67-MPT(B).]

S.O. 1660.—Whereas in pursuance of the provisions of clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948) the following persons have been nominated by the State Governments indicated against each, to be the members of the Dental Council of India with effect from the 31st August, 1967 vide Dr. Bhatia and Dr. D. Banerjee who have ceased to be members of the Council under sub-section (3) of section 6 of the said Act namely:—

- | | |
|--|-------------------------------|
| 1. Dr. K. Moti Singh,
Director of Health Services,
Punjab, Chandigarh | Government of
Punjab. |
| 2. Dr. M. P. Dutta,
L.M.F. (S.M.F.), L.D.S. (S.M.F.),
Assistant Professor,
Dr. R. Ahmed, Dental College,
Calcutta. | Government of
West Bengal. |

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India in the late Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification, under the heading "Nominated under clause (e) of section 3" for the entries against serial Nos. 10 and 11, the following entries shall be substituted, namely:—

10. "Dr. K. Moti Singh, Director of Health Services, Punjab, Chandigarh.
11. Dr. M. P. Dutta, L.M.F. (S.M.F.) L.D.Sc. (S.M.F.), Assistant Professor, Dr. R. Ahmed, Dental College, Calcutta."

[F. 3-3/67-MPT(C).]

New Delhi, the 4th May 1968

S.O. 1661.—In exercise of the powers conferred by sub-section (3) of section 12 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendments in the Second Schedule to the said Act, namely:

In the said Schedule, in the entries relating to the United Kingdom, after the entry relating to the University of New Castle-Upon Tyne, the following entries shall be inserted, namely:—

"University of Dundee	M.B. Ch.B. Bachelor of Medicine and U Dundee Bachelor of Surgery.
	M.D. Doctor of Medicine. , ,
	Ch. M. Master of Surgery. , ,

[No. F. 18-8/68-MPT.]

ORDER

New Delhi, the 4th May 1968

S.O. 1662.—Whereas the Government of India in the late Ministry of Health, has, by notification No. 32-30/64-MPT, dated the 23rd January, 1965, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian

Medical Council Act, 1956 (102 of 1956), recognised the medical qualification" M.D. granted by the University of Columbia N.Y. (U.S.A.) for the purpose of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies a further period of two years with effect from the 31st July, 1967, or so long as Dr. Lawrance Walter Norton who possesses the said qualification, continues to work in the Satribari Christian Hospital, Gauhati to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Lawrance Walter Norton shall be limited subject to the condition that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in his country.

[No. F. 19-46/67-MPT.]

L. K. MURTHY, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 26th April 1968

S.O. 1663.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the matter of an application under Section 33A of the said Act from Shri Muslim Shain, Mining Sirdar, Khas Dharmaband Colliery, Post Office Malkera, District Dhanbad which was received by the Central Government on the 19th April, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated March 30, 1968

PRESENT:

Sri G. C. Agarwala.—Presiding Officer.

- (1) COMPLAINT CASE No. CGIT/LC(A)(13) OF 1967 (JABALPUR TRIBUNAL)
COMPLAINT CASE No. 6 OF 1965 (DHANBAD TRIBUNAL).

(Under Section 33-A I.D. Act)

- (2) C CASE No. CGIT/LC(B) (156) OF 1967 (JABALPUR TRIBUNAL).
CASE APPLICATION No. 27/1965 (DHANBAD TRIBUNAL).

[Under Section 33(2) (b) I.D. Act.].

(Arising out of main case Reference No. 131/64 (Dhanbad Tribunal and case Ref. No. CGIT/LC(R) (66)/1967 (Jabalpur Tribunal).

COMPLAINT No. 13 of 1967 U/s 33-A]

PARTIES:

- (1) Muslim Shain, Mining Sirdar Khas Dharmaband Colliery P.O. Malkera, District Dhanbad.—Complainant.

Vs.

The Khas Dharmaband Colliery Co. (P) Ltd., Khas Dharmaband Colliery, P.O. Malkera, Dist., Dhanbad.—Opp. Party.

CASE No. 156 of 1967 U/s. 33(2) (b).

- (2) M/s. Khas Dharmaband Colliery Co. (P) Ltd., Khas Dharmaband Colliery, P.O. Malkera, Dist., Dhanbad.—Applicant.

Vs.

Sri Muslim Shain, Mining Sirdar Khas Dharmaband Colliery, P.O. Malkera, Dist., Dhanbad.—Opp. Party.

APPEARANCES:

For Sri Muslim Shain.—Sri Prasant Burman, Secretary, Khan Mazdoor Congress.

For the Company.—S/Sri A. D. Shukla, G.P.O. and S. S. Kapoor, Advocate.

ORDER/AWARD

One Sri Muslim Shain a Mining Sirdar of the Khas Dharmaband Colliery was dismissed by an order of the management dated 8th February, 1964. He was charge-sheeted along with two others, S/Sri Pradip Singh and Sukharan Ram, for an incident dated 11th January, 1965, at about 8-30 A.M. on the allegations that all the three forced their entry in the room of the Agent after assaulting the Office Peon, Sri Changa Khan. It was further alleged that they were accompanied by ten Kamins (women workers) who on their instigation assaulted Sri Ajab Lal Sharma in the office of the Agent with baskets and khapchuris. They were placed under suspension and after a domestic enquiry Sri Muslim Shain was dismissed but for the other two a lenient view was taken by the Director and they were punished with suspension for ten days. As an industrial dispute reference under Section 10 I.D. Act was pending with regard to extra monthly allowance claimed by Sri Sukharan Ram one of the three charge-sheeted persons who is an underground tub writer, the management applied on 17th February, 1965, for approval under Section 33(2)(b) I.D. Act which is case No. CGIT/LC (B)(156)/67 of this Tribunal. Sri Muslim Shain also moved an application under Section 33-A I.D. Act contending that the employers had contravened Section 33 I.D. Act, presumably not knowing that an application for approval had already been filed by the management. The main reference by reason of which these proceedings arose was pending before the Dhanbad Tribunal and was transferred to this Tribunal by an order No. 8/25/67-LRII dated 25th April, 1967. These cases were also simultaneously transferred to this Tribunal by the same order of the Ministry as they arose out of the parent reference. It may be mentioned that the main reference under Section 10 was ultimately compromised on 13th December, 1967, on payment of a certain sum to Sri Sukharan Ram and an award accepting the terms of settlement was recorded on 14th December, 1967. It is no more pending now.

2. Both these cases were consolidated by an order dated 15th July, 1967, and were taken up together, the subject matter being the same. The application of Sri Muslim Shain under Section 33-A, case No. 13 of 1967, was made the leading case and evidence was recorded in this case to govern both the cases. After hearing was rendered at camp Dhanbad on 23rd March, 1968, and during arguments the employers by means of an application intimated that they would like to withdraw the application. In doing so, they took their stand on two decisions, one of the Hon'ble Supreme Court in *Digwadih Colliery Vs. Ramji Singh*, reported in 1964 (II)LLJ p. 143 and the other of the Patna High Court in case *New India Sugar Mills Limited, Darbhanga Vs. Krishna Ballabh Jha and others* reported in 1967 (II)LLJ p. 210. That being so, we are not concerned with the application of the employers for approval under Section 33(2)(b) I.D. Act, and case No. 156/67 may be treated as closed. The application of Sri Muslim Shain under Section 33A (Case No. 13 of 1967) however remains for determination.

3. In order to entertain an application under Section 33-A the applicant has first to establish that he was a concerned workman in the reference case by reason of which he acquired a right to move an application for breach of Section 33 I.D. Act on the part of the employers. The employers having withdrawn their application for approval there evidently is a breach now. The question, however, is whether he at all was a concerned workman in the reference in question. This has been the subject of controversy in most cases coming up before me either in applications for approval under Section 33(2)(b) or on complaints filed by workmen under Section 33A. After examining the question at some length, I recorded a comprehensive order enumerating my views on the question and which is made an annexure to this order. This order was recorded in respect of cases heard and decided at the headquarter of the Tribunal at Jabalpur within the jurisdiction of the Madhya Pradesh High Court. I endeavoured to distinguish the ruling of the Patna High Court in *New India Sugar Mills Ltd.*, case (supra) and came to the conclusion that the law as propounded by the Hon'ble Supreme Court seems to be that the nature of the dispute is not so much the decisive factor as the question whether the workman was concerned either collectively with the other workmen or through the same Union in sponsoring the dispute under reference. The Patna High Court case, however, seems to have emphasised that the nature of the dispute is an important factor to be considered. Having heard the case as I did at Dhanbad within the jurisdiction of the

Patna High Court, I am bound by the observations made by the Hon'ble Judges on the question. At the same time, I find that Their Lordships found a nexus in the fact that both in the reference case and in the application there was an allegation of victimisation and on the basis of this link, it was held that the applicants under Section 33-A were concerned workmen in the reference case although the nature of the disputes were different. In the instant case also the same element of nexus is discovered. In the reference case No. 65/67 of this Tribunal as the record would show the sponsoring Union, Khan Mazdoor Congress, had specifically pleaded that Sri Sukharan Ram was an active member of the Union and therefore he was discriminated in the matter of extra allowance. A similar allegation has been made by Sri Muslim Shain who was also represented by Khan Mazdoor Congress in these proceedings. As a matter of fact, the chief ground of attack and motive on the part of the management to punish him has been stated to be the fact that he was an important member and leader of Khan Mazdoor Congress and the management was siding the pocket rival Union, Colliery Mazdoor Sangh of which Sri Ajab Lal Sharma was the leader. Thus a common link is easily discovered as was found in the Patna case by Their Lordships. Moreover it is important to note that Sri Sukharan Ram, one of the three charge-sheeted persons, is the same man, though underground Munshi, about whom was the parent case under Section 10 I.D. Act—case No. 65/67. It must, therefore, be held that Sri Muslim Shain was a concerned workman in the reference case in question and the employers having dropped the application for approval in case No. 156/67 under Section 33(2) (b) I.D. Act has committed a breach thereof.

4. The next question to be considered is whether the punishment of dismissal was or was not justified. The management admittedly held a joint domestic enquiry against all the three after the charge-sheets. The Enquiring Officer was Sri O. P. Verma, Chief Personnel Officer. He is, however, no more in service. The relevant records of proceedings were however filed by the employers and is Ex. E/1. The writings and signatures were identified by Sri A. D. Shukla (E.W. 1) who was Welfare Officer of the Company and Sri Verma was his superior officer. Another witness Sri M. N. Sethia (E.W. 2) a Cashier of the company proved the writing of the Welfare Officer under training, Sri Bindeshwari Sharma who recorded the entire proceedings and depositions on the dictation of Sri O. P. Verma. He has further stated that Sri O. P. Verma translated the deposition from Hindi to English and the statements were correctly recorded. Actually Sri M. N. Sethia was the first witness examined in the enquiry and other witnesses were examined in his presence. Both Sri O. P. Verma, Enquiring Officer and Sri Bindeshwari Sharma a Welfare Officer under training who scribed the proceedings are no more in service and the employers, therefore, were unable to produce them. In his application Sri Muslim Shain made a general allegation in para 4 that no enquiry worth the name was held which was perfunctory and no opportunity was given to him to prove his innocence. The other allegations were about the merit of the charge-sheet. In his deposition, however, he made two grievances. The first is that the proceedings were recorded in English with which he was not conversant and he signed on the proceedings at the instance of the Manager. The other was that the statement of Sri Suri, the Agent, in whose room the incident took place was not recorded in his presence. Both these allegations are unfounded. The evidence of Sri M. N. Sethia, Cashier (E.W. 2) who was the first witness clearly shows that Sri O. P. Verma translated statements from Hindi to English, and statements were correctly recorded; and that Sri Verma also used to read over the statements in Hindi after translating the same from English. The record shows that the applicant, Sri Muslim Shain and the other two charge-sheeted persons signed depositions of all witnesses which they would not have done if the statements had not been correctly recorded. The statement of Sri Suri was also signed by the applicant and the other two charge-sheeted persons. Not only this, all the three put questions in cross-examination and signed the same. It is hard to believe that they signed at the instance of the Manager by reason of any fraud played on them and on the assurance that they would all be reinstated. The record shows that the applicant and the two others put searching questions by way of a thorough cross-examination. They had also examined defence witnesses, namely Fazil Shain Tapsi Mahaton and Dhanga Manihi. In the end they gave a statement that except these three they did not want to produce more witnesses. It is, therefore, wrong to say as alleged in the application that no opportunity for defence was given. There was, therefore, no infraction of any principle of natural justice in the conduct of the enquiry.

5. The finding of the Enquiry Officer, however, lacks a proper approach in dealing with the question. His enquiry report dated 6th February, 1965 would

show that he first analysed the statement on the three charge-sheeted persons and dealt copiously with contradictions and inconsistencies found in their statements *inter se*. He made no reference to the defence evidence in his report. For the evidence of the management he simply observed the following:—

“It is amply proved from the statement of Sri Changa Khan and the statement of the Agent Sri G. S. Suri that the three accused had forced their entry into the office of the Agent and in the process had man-handled the chaprasi on duty. It is also established from the statements on record that their behaviour in the office of the Agent was derogatory and that on their instructions the kamins who had come with them had assaulted Sri Ajab Lal Sharma.”

He made a reference only to the evidence of S/Sri Changa Khan and Sri G. S. Suri and did not mention the other evidence produced by the management. The report evidently is perfunctory and the approach wrong. That may however be so but the conclusion arrived at cannot be called perverse. It is only if the finding is perverse which means a finding recorded without evidence or on evidence on which no reasonable person would arrive at the conclusion, that a Tribunal would interfere and set aside the enquiry. This proposition of law is now well settled and need not be supported by authority. The mere fact that the approach of the Enquiring Officer in the enquiry report was wrong and the discussion of evidence was perfunctory will not make the finding necessarily perverse. There was ample evidence before him and which had been produced by the management to record a finding that the charge was proved. The conclusion therefore was correct and the management could therefore take appropriate action in punishing the charge-sheeted workmen.

6. In doing so, the management however made an invidious distinction. S/ Sri Pradip Singh and Sukharan Ram were punished with suspension for a period of ten days while the applicant Sri Muslim Shain was dismissed from service. Enquiring Officer gave no reason and merely observed “*After closely examining all the enquiry papers I am of the opinion that while strong action is desired against Sri Muslim Shain the other two deserve a favourable consideration.*” No reason was given by him for this discrimination. The Director while accepting the recommendation passed an order of suspension of ten days for S/Sri Sukharan Ram and Pradip Singh on the ground that this was a sort of first offence. For awarding the punishment of dismissal against Sri Muslim Shain nothing was stated about his past record and there was nothing before the Enquiring Officer to make the recommendation for the extreme penalty of dismissal. Sri Muslim Shain has stated in evidence that he was a member of the Khan Mazdoor Congress since 1962 when it started operating in the colliery and was a leader of the branch. There is no controverting evidence against this statement of Sri Muslim Shain. It is evident that he has been discriminated and awarded the extreme punishment of dismissal because of his active association with the Union as its leader. It is true that punishment is a management function and the Tribunal would not ordinarily interfere. In special cases, however, when there is no justification for discrimination and the motive for the extreme penalty of dismissal appears to be vindictiveness on the part of the employers the Tribunal will interfere on the grounds of social justice and would reduce the punishment.

7. I, therefore, direct reinstatement of Sri Muslim Shain with continuity of service but without back wages and attendant benefits for the period of unemployment. This would place him virtually at para with the other two workmen S/Sri Pradip Singh and Sukharan Ram who had been punished by suspension for ten days. No order for costs.

Sd./- G. C. AGARWALA,
Presiding Officer.
30-3-1968.

ORDER

After the pronouncement of Hon'ble Supreme Court in Tata Iron and Steel Company Vs. Singh (D.R.) reported in 1965-II-LLJ p. 122 and decided on March 19, 1965, the employers in most cases, whether apposing an application under Section 33-A of I.D. Act or themselves applying for approval under Section 33 (2) (b) I.D. Act have solicited decision of the Tribunal on the preliminary question whether the workman applying under Section 33-A or punished for whom approval is sought, was or was not “concerned workman” in the pending reference of industrial dispute. The decision of the Hon'ble Supreme Court in

the above referred case has been rather wrongly interpreted. That was a case decided when the position of law was not settled and somewhat inconsistent views had been taken by different High Courts on the point. The leading case of the Hon'ble Supreme Court on the subject namely, *New India Motors (P) Ltd., Vs. Morris (K.T.)* (1960-I-LLJ p. 551) had probably not seen the light of the day or had not gained sufficient publicity when the Central Government Industrial Tribunal, Dhanbad overruled the contention of the employers that the Tribunal should determine the preliminary question whether the employee, D. R. Singh, was or was not concerned with four other references pending before the Tribunal. The view taken by the Tribunal was that such a contention could not be raised by the employer and if he thought that Section 33 did not apply he should withdraw the application and take the consequences. On that view, the Tribunal refused to entertain the plea and proceeded to deal with the merits of the application. The Hon'ble Supreme Court disapproved of this logic of the Tribunal on the ground that when inconsistent views had been taken by different High Courts such a stand taken by the Tribunal was illogical and unsatisfactory. The Hon'ble Supreme Court clearly re-affirmed the broader construction of the words "workman concerned in such dispute" as decided in two earlier decisions namely, *New India Motors Private Limited Vs. Morris (K.T.)* (1960-I-LLJ p. 551) and *Digwadih Colliery Vs. Ramji Singh* (1964-II-LLJ p. 143). Now that a broader construction has been unequivocally enunciated and reaffirmed by the Hon'ble Supreme Court, there is no justification left for employers now to solicit the advice from Tribunal while making applications under Section 33(2)(b). It is of course open to them to oppose an application under Section 33-A of a workman on the ground that he was not a concerned workman in the reference under Section 10 I.D. Act. But to ask the Tribunal to determine this point when the position of law is clearly stated and well settled, would really be tantamount to rendering an advice on a question which is rather a mixed question of law and fact. The circumstances of *Tata Iron and Steel Co., case* on the authority of which the employers seek the direction of the Tribunal no more exist now and they were different when the said case was decided and observations were made by the Hon'ble Supreme Court.

Since, however, the question has been debated, it is necessary to analyse and to state the law as propounded by the Hon'ble Supreme Court. For the first time, the question came to be considered by the Hon'ble Court in *New India Motors case* (supra) where their Lordships examined the construction of the words "workmen concerned in such dispute" from different stand points. The importance of the definition of industrial dispute as prescribed in Section 2(k) was first examined and emphasised. It was then pointed out under Section 18(3) of the Act, an award binds not only parties to the dispute but all employees in the establishment. The object of enacting Section 33 was also referred in this connection. Lastly, even as a matter of construction pure and simple their Lordships found no justification for assuming that the workman concerned in such dispute must be workmen directly or immediately concerned in the said dispute. The observation in the following passage which may be called a dictum on the point is pertinent:—

"In dealing with the question as to which workmen can be said to be concerned in an industrial dispute we have to bear in mind the essential condition for the raising of an industrial dispute itself, and if an industrial dispute can be raised only by a group of workmen acting on their own or through their union, then it would be difficult to resist the conclusion that all those who sponsored the dispute are concerned in it. As we have already pointed out, this construction is harmonious with the definition prescribed by S. 2(s) and with the provisions contained in S. 18 of the Act. Therefore, we are not prepared to hold that the expression "workmen concerned in such dispute" can be limited only to such of the workmen who are directly concerned with the dispute in question. In our opinion, that expression includes all workmen on whose behalf the dispute has been raised as well as those who would be bound by the award which may be made in the said dispute."

In the last paragraph their Lordships approved of the construction placed by the Labour Appellate Tribunal in *Eastern Plywood Manufacturing Company Ltd., Vs. Eastern Plywood Manufacturing Workers' Union* (1952-I-LLJ 628). A few rulings of other High Courts were also referred, out of which the case of *Andhra Scientific Company Ltd., V. Seshagiri Rao (A)* (by *Andhra Scientific Company Employees' Union* (1959-II-LLJ 717) appears to be a misprint as this case does not at all deal with the question. Actually another case *Sri Rama Sugar and Industries V. Industrial Tribunal* and two others reported at page 712 of the same

volume and immediately preceding the Andhra Scientific Company Ltd., case in the same volume deals with this question and the Andhra High Court at page 716 preferred the broader interpretation following the Newton Studios Ltd. Vs. Ethirajulu (T.R.) and others (1958-I-LLJ p. 63) which also discussed this question and adopted the broader construction. In doing so, guidance was taken from observations of the Hon'ble Supreme Court in Automobile Product of India Vs. Rukmajibala (1955-I-LLJ p. 346) regarding the object for which Section 33 of the I.D. Act was enacted. The narrow view adopted by the Bombay High Court in New Jahangir Vakil Mills Ltd., Bhavanagar V. N. L. Vyas and others (1958-II-LLJ 573) was expressly rejected by the Hon'ble Supreme Court both in New India Motors case as also in Tata Iron and Steel Co., case. It would be interesting to state that the Bombay High Court also considered the effect of Section 18 of the I.D. Act, but held that the award or settlement would not bind the whole body of the workmen who sponsored the dispute but only such of the workmen who are affected and are working in the same department. The three concerned workmen in that case belong to ringframe department while the references concerned certain other workmen of the bleaching department. This distinction drawn by the Bombay High Court apparently was not approved by the Hon'ble Supreme Court while rejecting the narrower view. It follows, therefore, that the Hon'ble Supreme Court has laid down the law that all workmen who will be bound by the reference under Section 10 of I.D. Act would be the person concerned in the dispute. The other two cases of the Hon'ble Supreme Court which are usually referred for a different interpretation are Upper Ganges Valley Electric Supply Co., Ltd., Moradabad Vs. Srivastava (G.S.) reported in 1963 (I) LLJ p. 237 and Digwadih Colliery Vs. Ramji Singh (1964-II-LLJ p. 143). In the former case while considering the question of pendency of certain appeals before the L.A.T. their Lordships found that only one appeal was pending which related to the grant of annual increment to a workman M. K. Varshney. It was casually observed that the same was an individual dispute in respect of one employee and so the present respondent could not be said to be concerned with that dispute. Full facts about that appeal were not available to the Hon'ble Court and it was not known whether the dispute regarding Varshney had or had not been espoused by any Union. It was also not known whether the employee concerned Srivastava had any connection or nexus through any union so as to be concerned in the reference regarding Varshney. The observation of the Hon'ble Court, therefore, is not to be interpreted literally for any guidance. The Digwadih case is only an authority on the point that a workman when he files an application under Section 33-A has to establish that he was concerned in the dispute under reference. The complainant in that case had made no averment about the nature of the said dispute and had not indicated how he was concerned in the dispute under reference. On the other hand, the company had shown that the reference was on behalf of the chaprasis and watchmen of the collieries for overtime wages and the complainant was a clerk in grade III. With this manifest distinction it was for the complainant to have established how he was concerned in that reference. He could have proved it by showing that the dispute under reference regarding Chaprasis and watchmen was sponsored by the union of which he was a member and was thus concerned with the industrial dispute or that he was one of the workmen who had raised the industrial dispute. In the absence of any such information, the Hon'ble Supreme Court held that complainant under Section 33A cannot succeed on the presumption that the reference of the pending industrial dispute must necessarily have had a nexus with the complainant. It may be noticed that in the Tata Iron and Steel Co., case the Hon'ble Supreme Court observed at p. 123 "In this latter case, this Court considered the conflicting judicial decisions rendered by the different High Courts and has approved of the broader construction of the words 'workmen concerned in such dispute'. The word 'latter' is presumably a slip for 'former' as the Hon'ble Court had considered the conflicting judicial decisions in New India Motors case and had approved of the broader construction. The broader construction, therefore, remains reaffirmed in Tata Iron and Steel Company case.

After the Tata Iron and Steel Co., case the Patna High Court had occasion to consider the rulings of the Hon'ble Supreme Court as also one other ruling of that very court in New India Sugar Mills Ltd., case which is not yet reported in Labour Law Journal but has been so done by Mines and Factories Journal in the issue of April, 1967 at page 494. The Patna High Court adopted the broader construction and found a common clue as nexus between the reference and the workman against whom approval was sought under Section 33(2)(b) inasmuch as there was an allegation of victimisation in both cases and the sponsoring union was the same. Such an approach was not indicated by the Hon'ble Supreme Court and in fact may be impossible for an employer to anticipate what would

be the averment of the workman against whom an approval is sought or in fact whether he would at all be represented by the same union or any union. To my mind, answer to the question while determining whether a workman is concerned or not in the industrial dispute under reference rests on the principal consideration whether the said workman was or was not a party directly or indirectly through the Union in sponsoring the industrial dispute under reference. In an application under Section 33-A, he has to establish the fact himself and in an application for approval under Section 33(2)(b) it should already be known to the employer in the ordinary course whether the workman against whom approval is sought was or was not concerned in sponsoring the industrial dispute under reference. If he was, he is a concerned workman, whatever may have been the nature of the industrial under reference, as an award in that reference would bind him also along with the other workmen. But if he was not in any way connected in the sponsoring of the dispute either through the Union or collectively with other workmen who espoused the industrial dispute, he would not be a concerned workman. Such a position can easily be envisaged when there are more than one unions. The sponsoring union of an industrial dispute under reference may be different union than the workman who applies under Section 33-A or against whom an approval is sought under Section 33(2)(b). In the latter case, he may not be a member of any union and or if at all may be a member of a different union. In such a case, he cannot be called to be workman concerned in the dispute. In this connection, it is pertinent to notice the amendment now made as Section 2-A which has been added by Act XV of 1965. Under this newly added section, dismissal discharge, or retrenchment or termination of service of an individual workman shall now be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute. With the amended law a workman is his individual capacity can now raise a dispute about the termination of his service without the recourse of having help from other workmen or the union. If such a case results in a reference, obviously in such a reference another workman against whom an approval is sought by the employer under Section 33(2)(b) would not be a concerned workman in the reference as the imposition of the term "industrial dispute" in Section 2A is merely fictional and notional. It is, therefore, easy to demarcate class of cases in which a particular workman would be a concerned workman or would not be so during the pending of a reference under Section 10. This is what I conceive to be the state of law as enunciated by the Hon'ble Supreme Court.

(Sd.) G. C. AGARWALA,
Presiding Officer.
25-7-1967.

[No. 2/103/64-LRII.]

ORDERS

New Delhi, the 2nd May 1968

S.O. 1664.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Cementation Company Limited, Chasnala, Post Office Patherdih (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under Section 7A of the said Act.

SCHEDULE

Whether the action of the Cementation Company Limited having its establishments at Jeetpur, Noonodih and Chasnala Collieries of the Indian Iron and Steel Company in retrenching its workman Shri Awadh Singh Sharma, Watchman, with effect from the 14th September, 1967 was justified? If not, to what relief is the workman entitled?

[No. 2/3/68-LRII.]

S.O. 1665.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Balihari Colliery of Messrs. Balihari Colliery Company (Private) Limited, Post Office, Kusunda, District Dhanbad and their raising contractors, Messrs Industrial Supplies (Private) Limited of the one part and their workmen of the other part, in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the managements of Balihari Colliery of Messrs. Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad and Messrs. Industrial Supplies (Private) Limited raising Contractors of the said Balihari Colliery Company (Private) Limited, in refusing employment to the following workmen, with effect from the 9th October, 1967, was justified?

Sl. No.	Name	Designation
1	Kangali Gorai	Haulage Engine Khalasi
2	Mohan Modi	Onsetter
3	Gendu Mahato	Trammer
4	Bhagia Gowaljin	Creche Aya
5	Jago Barhai	Trammerman
6	Sakaldeo Dusadh	Chowkidar
7	B. Nani Orang	Shale Picker
8	Bimola Kora	Shale Picker
9	Parbatia Mahatain	Shale Picker
10	Nandu Mahatol	Chowkidar
11	Uma Mahato	Pump Khalasi
12	Somri Mahatain	Shale Picker
13	Karuna Orang	Shale Picker
14	Tukia Mahatain	Shale Picker
15	Ramanand Misir	Chowkidar
16	Masafir Dosadh	Chowkidar
17	Hridayanand Singh	Chowkidar
18	Sukar Lohar	Pump Khalasi
19	Bhurnarh Sirkar	Attendance Clerk
20	Kuldip Singh	Munshi
21	Ram Dular Gope	Mining Sirdar
22	Mangra Kamar	Line Mistry
23	Ramon Bhuiya	Wagon Loader

If not, to what relief are the workmen concerned entitled?

[No. 2/46/68-LRII.]

S.O. 1666.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dhori Colliery, Post Office Bermo, District Hazaribagh and M/s. Phusro Coal and Construction Company Bermo c/o Meghdoot Cinema, Phusro, Post Office Bermo, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the managements of Dhori Colliery, Post Office Bermo, District Hazaribagh and M/s. Phusro Coal and Construction Company, Post Office Bermo, are justified in laying off 292 workmen from Karo East Quarries No. 2, 3 and 4 with effect from the 15th June, 1967, without paying any lay off compensation? If not, to what relief are the workmen entitled?

[No. 1/34/67-LRII.]

New Delhi, the 4th May 1968

S.O. 1667.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery of Messrs Karamchand Thapar and Brother (Private) Limited, Central Office, Bhowra, Post Office Bhowra (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Bhowra Colliery in suspending their workman Shri Jhari Gore, Pick Miner for the period from the 10th November, 1967 to 19th November, 1967 was justified? If not, to what relief is the workman entitled?

[No. 2/8/68-LRII.]

S.O. 1668.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Cementation Company Limited Chasnala, P.O. Patherdih (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the Cementation Company Limited having its establishments at Jeetpur, Noonodih and Chasnala Collieries of Messrs Indian Iron and Steel Company was justified in retrenching its workman Shri S. K. Pandey, Surface Foreman with effect from the 14th September 1967? If not, to what relief is the workmen entitled?

[No. 2/4/68-LR.II.]

S.O. 1669.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Agardih Colliery of Messrs Agardih Colliery Company, Post Office Katrasgarh, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And w hereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Agardih Colliery of Messrs Agardih Colliery Company, Post Office Katrasgarh, District Dhanbad was justified in dismissing Shri Nankoo Mian, Miner, from service with effect from the 8th November, 1967? If not, to what relief is the workman entitled?

[No. 2/51/68-LR.II.]

S.O. 1670.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the West Gopalichuck Colliery of M/s. Central Kirkend Coal Company Limited, Post Office, Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of West Gopalichuck Colliery of M/s Central Kirkend Coal Company Limited, Post Office, Kusunda, District Dhanbad in terminating the services of Shri Debidayal Halwai, Line Mistry with effect from the 6th October, 1967 was justified? If not, to what relief is the workman concerned entitled?

[No. 2/50/68-LR.II.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 27th April 1968

S.O. 1671.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Rajasthan, Jaipur, in the industrial dispute between the employers in relation to the Messrs Jaipur Minerals Development Syndicate Private Limited, Dausa and their workmen, which was received by the Central Government on the 19th April, 1968.

इण्डस्ट्रियल ट्रिब्यूनल, राजस्थान, जयपुर

उपस्थित

श्री जे० एस० राणावत

जज

कस नं० सी० आई० टी०-5 सन् 1965

डोटा खान मजदूर यूनियन, दौसा प्रार्थी

बनाम

मैसर्स जयपुर मिनरल डवलपमेंट सिन्डीकेट (प्रा०) लि० दौसा विपक्षी

उपस्थिति

यूनियन की ओर से :

श्री प्रेम किशन मय

श्री निजामुद्दीन

कम्पनी की ओर से :

श्री काला मय

श्री रामचन्द्र

अवार्ड की तारीख

1 मार्च, 1968

अवार्ड

फरीकेन के प्रतिनिधियों को सुना गया ।

रिफाई शहायत देखने से प्रतीत होता है कि मजदूरों का तारीख 8 से 14 मई सन् 1965 तक (Provident Fund) का व्याज नहीं देने के कारण हड़ताल पर रहना उचित था, इस लिए मजदूरों को हड़ताल के दिनों का वेतन दिया जाना मुनासिब होगा । कम्पनी को आदेश है कि वह तारीख 8 से 14 मई सन् 1965 का वेतन इस अवार्ड के लागू होने की तारीख से एक महीने में तमाम संबंधित मजदूरों को भुगतान करें । इस अवार्ड की प्रतिलिपि केन्द्रीय सरकार को प्रकाशन के लिये भिजवा दी जावे ।

जे० एस० राणावत,

जज, इण्डस्ट्रियल ट्रिब्यूनल, राजस्थान, जयपुर ।

1-3-1968

[No. 36/21/65-LRI.]

New Delhi, the 6th May 1968

S.O. 1672.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the Industrial dispute between the employers in relation to the Bank of Baroda Ltd., and their workmen represented by the Bank of Baroda Employees Union which was received by the Central Government on the 23rd April, 1968.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Wednesday the 4th day of April 1968

PRESENT:

Thiru M. Tajammul Hussain, B.A., B.L., Industrial Tribunal, Madras.

INDUSTRIAL DISPUTE No. 9 OF 1967

(Central Government Reference)

(In the matter of the dispute between the workmen and the management of The Bank of Baroda Ltd., 11/12, North Beach Road, Madras-1.)

BETWEEN

The Secretary, The Bank of Baroda Employees Union, 233, Angappa Naick Street, Madras-1.

AND

The Regional Manager, The Bank of Baroda Ltd., 11/12, North Beach Road, Madras-1.

REFERENCE:

Order No. 51(74)/66-LRIV, dated 27th January 1967 of the Ministry of Labour and Employment and Rehabilitation (Department of Labour and Employment) Government of India, New Delhi.

This dispute coming on for final hearing on 22nd day of March, 1968 upon perusing the reference claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru P. J. Seetharaman, Advocate for Union and Thiru N. Krishnamurthi, Advocate for the management and the

dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

This is a reference by the Central Government of an industrial dispute between the employers in relation to the Bank of Baroda limited and their workmen in respect of the action by the Bank of Baroda in appointing Shri Rama Rao, as an Assistant in "G" Grade at their Cochin Branch. The matter referred for adjudication is set out in the schedule to the reference, and is as follows:

"Whether the action of the management of the Bank of Baroda Limited in appointing Shri Rama Rao, as an Assistant in "G" Grade at their Cochin Branch had adversely affected the chances of promotion of any of the following employees in the service of the Bank in the Madras region?

1. Sri Venkatasubban
2. „ Narayanaswamy
3. „ A. Subramaniam
4. „ S. Nagarajan
5. „ P. Raghavendra Rao
6. „ Sashikant V. Shah
7. „ T. K. Viswanatha Davey
8. „ G. V. Venkateswaran
9. „ R. Raghavan
10. „ S. R. Ramachandran
11. „ K. Cherian
12. „ Aravindaksha Menon
13. „ S. R. Venkatesan
14. „ M. R. Visweswaran.

If so, to what relief are the employees entitled to?"

2. The Bank of Baroda Employees' Union filed a claim statement. The material allegations therein are as follows: The management called for applications for direct recruitment to the cadre of officers and recruited one Mr. Rama Rao directly in "G" Grade of the Bank's grade and scales of pay. The protests of workmen that the recruitment was a violation of the agreement between the workmen and the management, were ignored. In or about March, 1965 in the course of discussions between the workmen and the office bearers of the All India Bank of Baroda Employees Co-ordination Committee and Sri H. L. Parwana, Secretary, All India Bank Employees Association, it was mutually agreed that no direct recruitment should be made in F and G Grades till a long term policy on promotions was finalised. There was a circular with regard to this agreement. Pending finalisation of the long term policy, no direct recruitment should have been made.

3. The terms of the agreement as set out in the Gujarat Bank Workers Union Circular dated 1st April 1965 on which reliance had been placed by the respondent are clear and unambiguous. One of the terms relates to direct recruitment. The term clearly prohibits any direct recruitment until a long term promotion policy is finalised. The Bank has different grades for various categories of Officers. It was specifically agreed that the recruitment to 'G' and 'F' Grades should be kept in abeyance until the evolution of a long term promotion policy. The demand of the workmen for the finalisation of the long term promotion policy had been pending with the Respondent since March 1965 and the Respondent has not taken any steps to formulate a long term promotion policy acceptable to the workmen. Without considering the protests of the workmen, Mr. Rama Rao was appointed and that appointment has adversely affected the chances of promotion of the employees mentioned in the reference.

4. The demand of the workmen in respect of promotion policy was a subject matter of discussion before the Sastry Tribunal and that the Sastry Tribunal in its Award has given certain directives with regard to promotions and the directives have also a bearing on the question of direct recruitment and promotion. According to the Award of the Sastry Tribunal, in the matter of promotions, the rights of the existing workmen to compete with the outsiders have to be equated, and certain qualifications may be waived or relaxed in the case of existing employees, and the Bank is bound to relax or waive certain stipulations or restrictions as to age, educational qualification etc. According to the claim statement, the appointment of Sri Rama Rao in the Bank's Service as Assistant in the G Grade is not justified, and has to be set aside as it has adversely affected prejudicially

the claims of the 14 existing employees of the Bank, mentioned in the reference. It is prayed that the management should be directed to keep the appointment of Sri Rama Rao as "Assistant" in Grade G at the Cochin Branch in abeyance till the finalisation of the long term promotion policy and to consider the claims of the 14 claimants, whose names are mentioned in the reference, for promotion, and effect promotion keeping in view the provisions of paragraph 529 of the Sastry Award.

5. The management filed a counter statement traversing the allegations made in the claim statement. The contentions of the respondent are that the dispute is not an Industrial Dispute and so this Hon'ble Tribunal has no jurisdiction to entertain and deal with this reference, which is to decide matters regarding promotion of the type contemplated. The promotion and direct recruitment are essentially a management function and the management has unfettered right to recruit officers directly and no dispute can be raised on this matter. According to the settlement deed dated 16th April 1958 before the Regional Labour Commissioner (Central), Bombay, between the Bank and the All-India Bank of Baroda Co-ordinating Committee, the Bank has a right to recruit directly officers in "G" and "F" Grades as follows:

"G" Grade—50 per cent.

"F" Grade—25 per cent.

The rest of the vacancies are to be filled in by internal promotion. That settlement is still subsisting and is legally binding on the parties and the recruitment of Sri Rama Rao has been made within the percentages in the said settlement. In March 1965, the All India Bank Employees' Association desired that the promotion policy of the Bank should be discussed with it by the representatives of the Bank so as to arrive at a workable understanding. A similar request was also received from the All India Bank of Baroda Employees' Federation, Bombay. The management agreed to have a formal discussion with the representatives of the said organisations and such discussions were held between 23rd March and 26th March, 1965, both inclusive. At the conclusion of the discussions, an understanding regarding the Bank's interim promotion procedure was arrived at, pending finalisation of the promotion policy as such.

6. Certain tests were laid down for promotion of a clerk to the post of an officer. The management agreed that till 31st July, 1965, the Bank would not recruit directly officers in "G" and "F" Grades and also restrict as far as possible, inter-regional transfers of officers. The allegation that there was an agreement between the management and the workers not to recruit directly officers to "G" and "F" Grades till the promotion policy is finalised is denied. The contention of the respondent is that the letter from the Gujarat Pradesh Bank workers Union was for a limited purpose and reference to that letter is irrelevant. The respondent denies that it was admitted that the management had agreed not to recruit directly in "G" and "F" Grades beyond 31st July, 1965.

7. The recruitment of Sri Rama Rao as an officer was done according to the settlement as per Annexure "A" to the counter statement, and according to the Bank's right to recruit directly, and such promotion has not adversely affected the chances of any of the employees in the Bank whose names have been mentioned in the claim statement. Mr. Rama Rao was recruited because of his service, experience and background, which was considered to be useful for the Bank's new Branch to be opened at Trivandrum, where it was proposed to post him. Paragraph 529 of Sastry Award is applicable to promotion within the clerical cadre for the Award staff, such as from clerks to Head-clerks or Supervisors or Cash-clerks to Head-cashiers, etc. The directions and observations in paragraph 529 are not applicable to promotion from the clerical cadre to officers' Cadre. The direct recruitment of Mr. Rama Rao was legal, bonafide and according to the Settlement of the 16th April, 1958 and valid. It is contended that there is no question of the other employees of the Bank being adversely affected as alleged in the claim statement.

8. The issue for consideration in this dispute is the matter referred to in the schedule to the reference, which is as follows:

"Whether the action of the management of the Bank of Baroda Limited in appointing Sri Rama Rao, as an Assistant in "G" Grade at their Cochin Branch had adversely affected the chances of promotion of

any of the following employees in the service of the Bank in the Madras region?

1. Sri Venkatasubban.
2. Sri A. Subramaniam.
3. Sri Narayanaswamy.
4. Sri S. Nagarajan.
5. Sri P. Raghavendra Rao.
6. Sri Sashikant V. Shah.
7. Sri T. K. Viswanatha Davey.
8. Sri C. V. Venkateswaran.
9. Sri R. Raghavan.
10. Sri S. R. Ramachandran.
11. Sri K. Cherian.
12. Sri Aravindaksha Menon.
13. Sri S. R. Venkatesan.
14. Sri M. R. Visweswaran.

If so, to what relief are the employees entitled to?"

9. This industrial dispute arises out of the recruitment of one Sri Rama Rao as an assistant in the "G" grade by the Bank of Baroda, on the ground that the recruitment has adversely affected the chances of promotion of 14 of the employees of the Bank. According to the employees of the Bank of Baroda, the Bank should not have directly recruited an officer to the post in "G" Grade, without finalising a long term policy in promotions. On the side of the employees, two documents were marked by consent. Ex. W. 1 is a copy of letter dated 25th January 1966 from the Regional Manager, The Bank of Baroda Ltd., Madras to the Regional Labour Commissioner (C) Madras. According to that letter, promotions of clerks to officers' cadre made during 1965 were in accordance with the agreement arrived at between the Bank and the All India Organisations such as the All India Bank Employees' Association, All India Bank Employees' Federation and All India Bank of Baroda Employees Federation, seniority alone cannot be accepted as the only criterion. It was agreed that for consideration of applications for 1965 promotions, a basis was adopted, which provided for consideration of the service, educational qualifications and marks to be given by the Panel of interviewing officers. It was also pointed out in that letter (Ex. W. 1) by the management that para 529 of the Sastry Award would not apply. Promotion was a management function. Ex. W. 2 is a copy of the minutes of the meeting with the co-ordination committee, representatives of the employers and employees were present. The purpose of the meeting was to consider a permanent promotion policy in the bank and until such time as a permanent policy could be evolved, to consider ways and means of going ahead with internal promotions. An interim formula was arrived at for the basis for selecting Special Assistants.

10. In support of their contentions, the management relied on 10 documents, which I will refer to hereunder. Ex. M. 1 is a copy of the memorandum of agreement arrived at between the Bank of Baroda Ltd., Bombay and the all India Co-ordination Committee of the Bank of Baroda Employees Unions, Bombay, with regard to direct recruitment to "F" and "G" Grades. According to the agreement, at least 50 per cent of the Vacancies in "G" Grade should be filled by internal promotions and at least 75 per cent of the vacancies in "F" Grade should be filled by internal promotions, that is from the "G" Grade and from the clerical staff. The Bank issued a circular to its Regional Managers in some of its branches, from whom protest letters were received including the Regional Labour Commissioner, Madras. A copy of the letter is Ex. M. 2. In that confidential communication, the managers concerned were asked to inform verbally the representatives of the Union that the Bank has not given an assurance not to recruit directly officers in "G" and "F" Grade as alleged by the Union, but that the management had agreed only not to recruit directly officers in "G" and "F" Grades till 21st July, 1965. The Bank's right to recruit directly was not tacked on to the settlement of long term promotion policy. The communication also referred to the right of the Bank to recruit every year directly upto 50 per cent of officers in "G" Grade and 25 per cent of officers in "F" Grade.

11. Ex. M. 3 is a statement showing the number of internal promotions from clerical cadre to officers' cadre in "G" Grade and "F" Grade. It is necessary to set out the statement in full, as it shows the percentage of direct recruitment in the "G" and "F" Grades, for the years, 1958 to 1966.

Calendar	No. of internal promotions from clerical cadre to officers cadre in 'G' grade	No. of internal promotions from clerical cadre and 'G' grade to officers' cadre in 'F' grade	Direct recruitment in officer's cadre in		Percentage of direct recruitment in G grade compared to the total number of vacancies in G grade.	Percentage of direct recruitment in F Grade to the total vacancies in F grade
			G Grade	F Grade		
1	2	3	4	5	6	7
1958	31	36	15	1	33%	3%
1959	17	67	5	7	23%	9%
1960	70	54	7	1	9%	2%
1961	31	47	12	8	28%	15%
1962	124	65	23	23	16%	26%
1963	85	16	26	11	23%	41%
1964	55	99	10	5	15%	5%
1965	151	138	4	2	3%	1%
1966	82	85	9	11	10%	11%
GRAND TOTAL	546	607	111	69	15%	10%

Ex. M. 4, Minutes of the meeting with the co-ordination committee held on 20th December 1965 is the same as Ex. W. 2, which I have already referred to. Ex. M. 5 is a copy of a letter dated 12th September 1966 from the Agent to the Regional Labour Commissioner (C) Swaroop Nagar, Kanpur regarding staff trouble over the appointment of a Chartered Accountant. Along with that letter, a copy of the Memorandum of agreement arrived at between the Bank of Baroda Ltd., Bombay and the All India Co-ordination Committee of the Bank of Baroda Employees Union, Bombay was enclosed. The Management refer to their right to make direct recruitment of 50 per cent officers in "G" Grade and 25 per cent officers in "F" Grade, without any restriction for recruitment of officers in "F" Grade.

12. Ex. M. 6 is the letter to the Regional Labour Commissioner (Central), Madras, stating that the promotions of clerks to officer's cadre made during 1965 were in accordance with the agreement arrived at between the Bank and the All India Organisations and in the case of promotion to officers' cadre, seniority alone cannot be accepted as the only criterion. For the 1965 promotions, the following basis was adopted: Marks for length of service—35 per cent; Marks for educational qualifications—25 per cent and Marks to be given by the Panel of Interviewing Officers—40 per cent and the promotions were made strictly in accordance with the above mentioned basis. Ex. M. 7 is the copy of the application by Sri K. Rama Rao for appointment to the post of an Agent at Trivandrum. Ex. M. 8 is a copy of the letter addressed to Sri K. Gopal Rao, Assistant General Manager, Bombay by K. M. Krishnamurthi, referring to the conversation they had regarding the appointment of Sri K. Rama Rao. Ex. M. 9 is the communication addressed to the Regional Manager, The Bank of Baroda by the Assistant General Manager, Bombay. Ex. M. 10 is a copy of the order of appointment of Sri K. Rama Rao as a Cashier in the Staff Assistant's cadre in "G" Grade on the terms and conditions specified thereunder. The co-ordination Committee meeting was after the appointment of Sri K. Rama Rao. It cannot have any bearing on the appointment of Sri K. Rama Rao.

13. The Bank had not given any assurance not to recruit any officers to "G" and "F" Grades before the appointment of Sri K. Rama Rao. There was no

agreement between the Bank and its Employees, as contended by the claimants, that no direct recruitment should be made in "G" and "F" Grades till the promotion policy is finalised. Before the appointment of Sri K. Rama Rao, there was no understanding between the Bank and the employees to the effect that the Bank would not recruit Assistants to those cadres. Before the appointment of Sri K. Rama Rao, the agreement dated 16th April 1968 was in force. It was in pursuance of that agreement that Sri Rama Rao was recruited, considering his qualifications and suitability to the post. With regard to the allegation made in para 7 of the claim statement, the answer of the management is that the letter from the Gujarat Pradesh Bank Workers Union which was enclosed with the Bank's letter dated 25th January 1967 to the Regional Labour Commissioner (Central), Madras was so enclosed for the limited purpose of indicating the fact that there was an understanding regarding interim formula for promotions between the Bank and the Co-ordination Committee and that the Bank had followed that understanding in making promotions. The enclosing of the letter for the limited purpose of showing that an interim formula for promotion was arrived at, does not mean that all other statements made in that circular were admitted by the Bank. The Bank denied that it ever admitted that the management had agreed not to recruit directly in "G" and "F" Grades beyond 31st July, 1965. In 1965, 4 officers were directly recruited in "G" grade and 2 in "F" grade, compared to the total number of vacancies was 3 per cent. Similarly, the percentage of direct recruitment in "F" Grade compared to the total number of vacancies is 1 per cent. In 1966, the percentage of direct recruitment in "G" Grade compared to the total number of vacancies was 10 per cent and in the "F" Grade compared to the total number of vacancies was 11 per cent. From 1958 to 1966, the bank never exceeded the percentage contemplated in the statement of the year 1958.

14. Para 529 of the Sastry Award is set out in the counter statement in extenso. It is necessary to quote certain portions of the paragraph. "While there is no doubt that seniority in service should be one of the most important factors to be taken into account for the purpose, we are unable to agree that mere length of service alone irrespective of efficiency, educational qualifications, character and nature of responsibility required in connection with the vacancies to be filled in should be the sole or even the main criterion for promotion. Promotion is certainly not a matter which could be made automatic and a great deal of discretion by its very nature must rest with the management in this connection". It is also observed thus: "We are definitely opposed to the suggestion that employees unions should be consulted in connection with promotions. It cannot be supported on principle." It is further observed as follows: "We, however, direct that even when direct recruitment to particular posts is decided on, deserving men already in service who come upto to the required educational qualifications should also be enabled to compete for such recruitment by a reasonable relaxation of the rules relating to age and other restrictions, if any. We further direct that in the case of employees who are not found fit for promotion the decision should be borne out by service records of the employees, and that when a person senior in service is superseded it should be for good and cogent reasons.

15. The Bank contends that paragraph 529 of the Sastry Award is applicable only to promotions within the clerical cadre for the Award Staff, such as from clerks to Head-clerks or Supervisors or Cash-clerks to Head-cashiers, etc. The directions and observations in paragraph 529 are not applicable to promotion from the clerical cadre to officers' cadre. Paragraph 494 of the Sastry Award deals with the demand of the employees that no direct recruitment to supervisory and officers' cadre be made. The observations of the Sastry Award are as follows: "The demand that the Officers' and higher posts should be filled in by the promotion from among the senior clerks, cannot be granted because this Court has no power to make any Award about the selection of men to the Officers' and higher posts and the dispute is confined to the clerks and low paid employees". It is clear that paragraph 529 of the Sastry Award does not apply to the cases of promotion from clerical cadre to Officers' cadre.

16. As contended by the respondent, the settlement dated 16th April 1958 is binding on the employees and the action taken by the management is in pursuance of that policy. According to the management the Bank took into consideration the cases of the clerks in the service of the Bank who were eligible to and desirous of promotion before making the appointment of Sri Rama Rao. As none of the candidates had the experience and the background comparable to that of Sri Rama Rao, the Bank decided to appoint him, particularly in view of his family background and connections and experience and the fact that at a place like Tiruvendram,

where he was proposed to be posted. Direct recruitment of officers is essentially a management function. In the matter of direct recruitment, the management did not exceed the percentage mentioned in the statement marked as Ex. M. 3. As already mentioned, in 1964, the percentage of direct recruitment to "G" Grade as compared to the total number of vacancies was only 10 per cent. The employees can have no grievance when the Bank was acting under the terms of the settlement of 1958.

17. On a consideration of all the circumstances, I come to the conclusion that the Union failed to show that by the action of the Bank of Baroda Ltd., in appointing Sri Rama Rao as an Assistant in "G" Grade at their Cochin Branch, the chances of promotion of any of the 14 employees mentioned in the reference were affected and the recruitment was not justified. The bank had made the appointment within the percentage agreed under the agreement dated 16th April 1958. In the circumstances, my finding on the issue is that the action of the management of the Bank of Baroda Limited in appointing Sri Rama Rao, as an Assistant in "G" Grade at their Cochin Branch had not adversely affected the chances of promotion of any of the 14 employees in the service of the Bank in the Madras region, and the appointment of Mr. Rama Rao was justified and that the employees concerned in the reference can have no grievance against the management, and are not entitled to any relief against the management.

18. An award is passed in terms of the above finding on the issue. Parties are directed to bear their own costs.

(Sd.) M. TAJAMMUL HUSSAIN,
Industrial Tribunal.

List of witnesses examined for both sides

NIL

List of Documents Marked :

For the Worker :

- | | | | | | |
|-----------|---|---|---|---|--|
| Ex. W. 1. | . | . | . | Award Representation. | |
| Ex. W. 2 | . | . | . | Minutes of the Meeting with the co-ordination committee held at New Delhi on 20th December, 1966. | |

For the Management :

- | | | | | | |
|-----------|---|---|---|---|-----------|
| Ex. M. 1 | . | . | . | Memorandum of Agreement | 16-4-1968 |
| Ex. M. 2 | . | . | . | Letter from Deputy General Manager addressed to the Union. | |
| Ex. M. 3 | . | . | . | Statement "A" the Bank of Baroda Limited Baroda. | 24-10-67. |
| Ex. M. 4 | . | . | . | Minutes of the meeting with the co-ordination Committee held at New Delhi | 20-12-66 |
| Ex. M. 5 | . | . | . | Appointment of Chartered Accountant of Thiru P. K. Khanna | 12-9-66 |
| Ex. M. 6 | . | . | . | Letter from Regional Manager, Addressed to the Regional Labour Commissioner (Central), Madras-7 | 25-1-66 |
| Ex. M. 7 | . | . | . | Letter from K. Rama Rao, Addressed to The Managing Director, Baroda | 27-12-65 |
| Ex. M. 8 | . | . | . | Letter from K.M. Krishnamurthi, Addressed to Thiru K. Gopal Rao, Assistant General Manager, C/o Bombay Office | 9-2-66 |
| Ex. M. 9 | . | . | . | Appointment of Mr. K. Rama Rao | 5-7-66 |
| Ex. M. 10 | . | . | . | Terms and Conditions | 11-7-66 |

NOTE.—The parties are directed to take return of their document/documents within ix months from this date.

[No. F. 51(74)/66-LRIV.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 29th April 1968

S.O. 1673.—In exercise of the powers conferred by sub-sections (1) and (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri H. O. Pereira as a member of the Vizagapatnam Dock Labour Board vice Shri S. Bhatia, resigned, and makes the following amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 754 dated the 22nd February, 1965, namely:—

In the said notification, under the heading "*Members representing the employers of dock workers and shipping companies*", in item (3), for the entry "Shri S. Bhatia", the entry "Shri H. O. Pereira" shall be substituted.

[No. 526/42/65-Fac. II.]

New Delhi, the 2nd May 1968

S.O. 1674.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Madras, in the Industrial Dispute between the employers in relation to (1) Messrs Krishna and Company, 14, Jaffar Syrang Street, Madras-1. (2) Messrs A. Arumugham Chettiar, 68, East Mada Church Street, Madras-13. (3) Messrs Binny and Company Limited, 7, Armenian Street Madras-1. (4) Messrs C.M.K. Viswanatha Mudaliar, 1, Jaffar Syrang Street, Madras-1. (5) Messrs United Stevedores, 22, Second Line Beach, Madras-1, (6) Messrs Gordon Woodroffe and Company (Madras) Private Limited, 1/21, North Beach Road, Madras-1. (7) V. V. Pakir Mohamed Rowther, 29-A, Muthu Mudaly Street, Madras 12. (8) Messrs P. Devarajooloo Naidu and Son, 24, North Beach Road, Madras-1, (9) Messrs South India Corporation (Agencies) Private Limited, Shipping Department 99, Armenian Street, Madras-1, (10) Messrs Volkart (India) Limited, 5/6, Armenian Street, Madras-1. (11) Messrs P. Thiruvengada Mudaliar, 16, Jaffar Syrang Street, Madras-1. (12) The Secretary, The Madras Steamer Agent's Association 41, Linghi Chetty Street, Madras-1. (13) The Secretary, The Madras Stevedores Association, 16, First Line Beach, Madras-1, (14) Shri M. J. Xavier, Labour Contractor, C/o. Messrs Binny and Company Limited No. 7, Armenian Street, Madras-1 and (15) Shri T. Govindaswamy, Labour Contractor, C/o Messrs Binny and Company Limited, No. 7, Armenian Street, Madras-1, and their workmen, which was received by the Central Government on the 25th April, 1968.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Saturday the 30th day of March, 1968.

PRESENT:

Thiru M. Tajammul Hussain, B. A., B.L. Industrial Tribunal, Madras

INDUSTRIAL DISPUTE No. 84 of 1966

(In the matter of the dispute between the workmen and the managements of Madras Stevedores Association, Madras and other 14 Managements).

BETWEEN

1. The General Secretary, Madras Port and Dock Workers Congress, No 11, Phillips St., Madras-1.
2. The General Secretary, The Madras Harbour Workers Union, 1/73, Broad way, Madras-1.

AND

1. M/s. Krishan & Company, 14, Jaffar Syrang St., Madras-1.
2. M/s. A. Arumugham Chettiar, 68, East Mada Church St. Madras-13.
3. M/s. Binny & Co. Ltd., 7, Armenian St., Madras-1.
4. M/s. C. M. K. Viswanatha Mudaliar, 1, Jaffar Syrang St. Madras-1.
5. M/s. United Stevedores, 22, Second Line Beach, Madras-1.
6. M/s. Gordon Woodroffe & Co., (Madras) Private Ltd., 121, North Beach Road, Madras-1.
7. M/s. V. V. Pakir Mohamed Rowther, 29-A. Muthu Mudaly St., Madras-12.

8. M/s. P. Devarajooloo Naidu & Son, 24, North Beach Road Madras-1.
9. M/s. South India Corporation (Agencies) Private Ltd., Shipping Department, 99, Armenian St., Madras-1.
10. M/s. Volkart (India) Ltd., 5/6, Armenian St., Madras-1.
11. M/s. P. Thiruvengada Mudaliar, 16, Jaffar Syrang St., Madras-1.
12. The Secretary, The Madras Steamer Agents, Association, 41, Linghi Chetty St., Madras-1.
13. The Secretary, The Madras Stevedores Association, 16, First Line Beach, Madras-1.
14. Shri M. J. Xavier, Labour Contractor, c/o. M/s. Binny & Co., Ltd., No. 7, Armenian Street, Madras-1.
15. Shri T. Govindaswamy, Labour Contractor, C/o. M/s. Binny and Co., Limited, No. 7, Armenian St., Madras-1.

Reference:

Order No. 28(138)/66-LRIV, Dated 6th December 1966 of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India.

This dispute coming on final hearing on Wednesday the 21st and Thursday the 22nd day of February, 1968, upon perusing the reference, claims and counter statements and all other material papers on record and upon bearing the arguments of M/s. Dolia and G. Venkataraman, Advocates for the 1st Union and Thiru A. Srinivasan, Secretary of the 2nd Union having represented for the 2nd Union and of Thiru M. R. Narayanaswamy, Advocates for the managements Nos. 1, 2, 4, 5, 6, 8, 9, 11, and 13, Thiru B. T. Sampath, Senior Labour Officer and Thiru V. John, Labour Officer represented for the 3rd Management, Thiru N. G. R. Prasad, Advocate of M/s. Row & Reddy Advocates for the management 14 and 15, M/s. King and Patridge, Advocate for the 10th management and Thiru N. Krishan Mitra, Advocate for the 7th management and the dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

This is a Central Government reference of an Industrial Dispute between the employers in relation to Madras Stevedores Association, Madras. (2) Madras Steamers Agents Association and their 11 members, Madras and their workmen in respect of the matter specified in the schedule to the Reference, which is as follows:

"Whether having regard to Resolution No. WB-21(13)/65 dated the 27th April 1965 of the Ministry of Labour and Employment as amended by Resolution No. WB-21(36)/65, dated the 16th July, 1966 of the Department of Labour and Employment, Government of India, the daily rated workmen employed by the employers (Annexure A) are entitled to Interim Relief and Dearness Allowance? If so, at what rate?"

2. Separate claim statements were filed as regards the claims against each management. But the claim statements are identical. According to the claim statements, some of the managements have not implemented the wage Board's recommendations for the daily rated workers, in respect of dearness allowance. Some of the managements namely, employers Nos. 14 and 15 (subsequently added as per order in No. 28/138/66-IVA dated 30th January 1967, received on 17th February 1967) have not implemented the recommendations in full. The conduct of the managements in refusing to implement the recommendations of the Wage Board and the notified increases in the dearness allowance is unjust and is deliberately intended to harass the workmen.

3. Union No. 2 has filed a separate claim statement stating that the following categories of workmen are also covered by the operation of the Resolution No. WB-21(13)/65 dated 27th April 1965 of the Ministry of Labour and Employment as amended by Resolution No. WB-21(36)/65 dated 16th July 1966:

1. Supervisors.
2. Tally-clerks.
3. Watchmen
4. Carpenters
5. Markers
6. Stitchers and Raggers.

7. Cleaning gangs

8. Sweepers and others.

The employers are bound to implement the recommendations of the Wage Board with regard to the above said workers, whether they are monthly-rated or daily-rated.

4. The counter statement of the Employers Nos. 14 and 15 is as follows: They have implemented the recommendations of the Wage Board, and the claim as against them should be dismissed.

5. The contentions of the 3rd management are that they are Registered Employers as defined under the Madras Dock Workers (Regulation of Employment) Scheme and the Central Wage Board in dealing with the question of interim relief have excluded employees of Registered Employers from the scope of their recommendations for interim relief. The Board's suggestions in this regard have been accepted without modification by the Central Government by their resolution No. WB-21(13)/65 dated 27th April 1965. The subsequent resolution referred to by the Madras Harbour Workers union Employers were not covered by the recommendations of the wage board. It is also stated that the company have no permanent daily-rated employees working in the Harbour. Another contention is that in the absence of details as to workmen in respect of whom the Madras Harbour Worker's Union and the Madras Port and Dock Workers' Congress are raising the dispute against the management of M/s. Binny and Co., Ltd., are unable to plead more specifically.

6. The counter statement of the 7th management is to the effect that he had not employed any person for working as an employee in the Port Trust and that the partnership concern of V. V. Pakir Mohamed Rowther and Company was dissolved on 31st July 1966. It is also contended that he had never paid any wages to any workmen as he had no control or supervision over them in the discharge of their duties. This respondent in engaging only sub-contractors for the supply of manual labour required for the specified work, for which he had been entrusted contracts by leading firms.

7. The counter statement of the 8th management is to the effect that the management cannot be asked to give effect to the recommendations of the wage board with regard to the workers employed by them, who have been incorrectly described as "daily-rated" workmen in the schedule to the order of reference. The recommendations made by the Central Wage Board for Port and Dock Workers are only recommendatory in nature and there is no obligation cast on any of the employers to give effect to those recommendations. It is also contended that the relief granted being interim in nature, there can be no industrial dispute at all in relation to the grant of interim relief. Some time in April, May 1965 the Union raised a dispute for decasualisation of some of the categories of workers, enhancement of wages, etc., and there was a settlement under section 12(3) of the industrial disputes act, in which the demand for decasualisation was given up and for the categories of employees, there was refixation of wages. The wages fixed were put in force for a period of two years from 1st May 1965 and the casuals who were all comprised in this reference are being applied wages in accordance with that settlement. It is contended that it is not open to either of the Unions now to ask for additional payment over and above what is provided under that agreement, taking advantage of the recommendations of the Central Wage Board for Port and Dock Workers and the Government order therefor.

8. The counter statement of management No. 10 is that it does not employ any daily-rated workmen and, as such, there could be no Industrial Dispute between that management and its workmen.

9. The 12th respondent management has filed a counter statement to the effect that it does not engage any casuals and therefore, no question of implementing the Central Wage Board's recommendations arises.

10. The issue that arises for consideration is the one set out in the schedule to the reference, and it is as follows:

"Whether having regard to Resolution No. WB-21(13)/65 dated the 27th April 1965 of the Ministry of Labour and Employment as amended by Resolution No. WB-21(36)/65 dated the 16th July, 1966 of the Department of Labour and Employment, Government of India, the daily rated workmen employed by the employers (Annexure A) are entitled to Interim Relief and Dearness Allowance, If so, at what rates?"

11. Even at the outset, it may be stated that the claim against the 10th respondent is not pressed as that company does not employ daily-rated workmen. Respondents 14 and 15 have filed memos, to the effect that whatever wage relief was directed by the Regional Labour Commissioner (Central) as payable under the interim recommendations had been paid and that they are willing to implement any further relief if it was payable under the interim recommendations and if the Regional Labour Commissioner (Central) directs them to do so. In view of the above memos, no relief can be granted against those respondents to the workers in this reference.

12. As the number of daily-rated employees employed by M/s. Binny and Company was not admitted, the General Secretary of the Madras Port and Dock Workmen Congress gave evidence as follows: Binny and Co., has got about 15 daily-rated workmen working in the harbour, such as tally-clerks and sorters. The company is getting work done through contractors Govindasamy and Xavier. The two contractors employ about 70 or 80 daily-rated workers. Out of 15 daily rated workmen of Binny and Co., 12 or 13 are members of my union and out of 80 daily-rated workers working under the contractors, about 75 are members of my union. Ext. W.7 and W.8 are lists showing the daily-rated workmen working under Binny and Co., and their contractors.

13. There is no evidence that respondent No. 12 is not employing daily-rated workmen. The management of the 12th respondent has not adduced any evidence in support of the plea in the written statement that the 12th respondent is not employing daily paid workmen.

14. Ex.W.1 is the Annexure I to the claim statement and it is a copy of the Resolution WD-21(31)/65 dated 27th April 1965. In the Appendix thereto, Clause A deals with employees of major port authorities and Clause B deals with Dock Workers as defined under Dock Workers (Regulation of Employment) Act, 1948. Sub-clause 5 to Clause B relate to: "Similar categories of employees as to समानेक श्रेणी के कामगारों को लागू करने के लिए 7 पुं 1 स्वयं उप not". The recommendations of the Board would apply to all the categories of workers connected with major ports and dock workers in major ports, as enumerated thereunder. As the Wage Board could not arrive at a final conclusion within the period fixed for submission of the Board's recommendations to the Government, the Board granted an interim relief. Ex. W.2 refers to the second interim relief of Rs. 4/- per month granted by the Wage Board to all categories of workmen described in Clause 1 of the Board's earlier recommendations. Ex. W.3 refers to the revised rates of dearness allowance with effect from 1st March 1965. Ex. W.4 refers to the revised rates of dearness allowance with effect from 1st December 1965 and Ex. W. 5 gives the revised rates of dearness allowance with effect from 1st December, 1965 and 1st August 1966. Ext. W. 6 is a copy of the Resolution No. WN-21(36)/65 dated 16th July 1966 of the Government of India, Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment.

15. A contention of some of the contesting respondents is that no relief can be granted to casual workers and an industrial dispute cannot be raised on their behalf. It is argued on behalf of the workers that the reference here is with regard to the recommendations of the Wage Board with regard to the daily-rated workmen employed by the employers referred to in the reference. According to the Resolution WB-21(13)/65 dated 27th April 1965 as amended by Resolution WB 21(36)/65, dated 16th July 1966 they are the result of the representations made by the Port and Dock Workers to the Ministry of Labour, Employment and Rehabilitation. The daily-rated workers are entitled to the relief as recommended by the Wage Board. All the dock workers are entitled to the benefit of the recommendation for interim relief whether they are monthly-rated or daily-rated.

16. By simple calling the daily-rated worker as casual worker the employers cannot repudiate their liability to implement the recommendations of the Central Wage Board. According to Appendix to Ex.W.1, the dearness allowance is to be paid to the daily-rated worker, also. Clause V is as follows: "In case of daily paid workers, time rated and piece rated, the daily rate of interim relief should be 1/26th or 1/30th of the monthly amount mentioned above, as per present practice. Where there is no such practice, the daily rate of interim relief would be 1/26th of the monthly amount mentioned above, in cases where the worker is not paid any wages for the weekly day of rest."

17. So, from Ex. W1 it is clear that the daily-rated workers are also entitled to the interim relief at the rates mentioned in clause V to the Appendix to Ex. W2

There is no substance in the contention of the managements that they are not bound to implement the recommendations of the Wage Board with regard to daily-rated workmen.

18. The only other contention of some of the management is that the recommendations being in the nature of interim relief, there can be no industrial dispute. There is no substance in this contention. As the Central Wage Board could not submit its final report within the stipulated time, they had to make recommendations for interim relief, and the Government have accepted those recommendations. It is not left to the discretion of the managements to implement the decisions recommended by the Wage Board, or not. The managements are bound to implement them and an industrial dispute can be raised asking for the implementation of the recommendations by the employers.

19. For the above reasons, I hold that, except in the case of management Nos. 10, 14 and 15, the daily-rated workers under the other managements are entitled to the interim reliefs recommended by the Wage Board, and as claimed in the claim statement of Union No. 1. No relief is granted as against management Nos. 10, 14 and 15. According to the 7th respondent he has no daily-rated workmen under him and the 9 persons shown in the statement as working under him have left after the dispute. The award in I.D. 73 of 66 directed the re-instatement of the 9 workers. Hence, the recommendations of the Wage Board would apply to these 9 or such of them as are now working as daily-rated workmen and the 7th respondent is bound to grant the interim reliefs recommended by the Wage Board in respect of the paid workmen. The issue is found accordingly.

20. In terms of the above finding on the issues an award is passed against respondents 1 to 9 and 11 to 13. The contesting respondents 1 to 5 will each pay Rs. 20/- as costs to Union No. 1.

(Sd.) M. TAJAMUL HUSSAIN,

Industrial Tribunal.
22-2-1968.

List of Witnesses Examined:

For the Worker:

S. M. NARAYANAN.

For the Management:

NIL

List of Documents Marked:

For the worker:

Ex.W.1	27-4-1965	Resolution
Ex.W.2	19-10-1966	Resolution
Ex.W.3	26-4-1965	Revised rates of dearness allowance.
Ex.W.4	7-2-1966	Revised rates of dearness allowance.
Ex.W.5	10-10-1966	Revised rates of dearness allowance.
Ex.W.6	16-7-1966	Resolution
Ex.W.7		List of Office Bearers for the year 1965.
Ex.W.8	31-12-66	List of Members for the year ending 1966.

For the management:

Ex.M.1 24-5-1965 Memorandum of settlement.

NOTE:—The parties are directed to take return of their document/documents within six months from this date.

[No. 28(138)/66-LRIV.]

ORDER

New Delhi, the 29th April 1968

S.O. 1675.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/s. P. Thiruvengada Mudaliar, Stevedores Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajamul Hussain shall be the presiding Officer, with headquarters at Madras, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

(i) Whether the 9 employees listed below were in the employment of Messrs P. Thiruvengada Mudaliar, Madras, before their discharge, and if so, whether their discharge was justified?

- (1) Shri V. Devaraji.
- (2) Shri K. Vedivelu.
- (3) Shri A. Ponnuswamy.
- (4) Shri D. Sundararaj.
- (5) Shri K. Gopal.
- (6) Shri R. Perumal.
- (7) Shri M. Kuppuraj.
- (8) Shri Ramakrishnan.
- (9) Shri Periaswamy.

(ii) If not, to what relief are they entitled?

[No. 29/6/68-LRIII.]

C. RAMDAE, Under Secy.